



Journal of the Senate

Number 15—Regular Session

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CALL TO ORDER

The Senate was called to order by President Lee at 10:00 a.m. A quorum present—40:

Mr. President	Diaz de la Portilla	Peadar
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Excused: Senator Carlton periodically for the purpose of working on the appropriations bills

PRAYER

The following prayer was offered by Senator Wilson:

Good morning, Mr. President, and members of the Senate. Everything we do, every vote we register affects the lives of all Floridians.

We have hope for our future; therefore, we have hope for our children, and every one of them is important. Let me share this thought with you:

"As I walked along the seashore
this young boy greeted me.
He was tossing stranded starfish
back to the deep blue sea.
I said, 'Tell me why you bother,
why you waste your time this way.
There's a million stranded starfish.
Does it matter, anyway?'"

And he said, 'It matters to this one.
It deserves a chance to grow.
It matters to this one.

I can't save them all, I know.
But it matters to this one,
I'll return it to the sea.
It matters to this one.
And it matters to me.'

I walked into the classroom.
The teacher greeted me.
She was helping Johnny study.
He was struggling, I could see.
I said, 'Tell me why you bother,
why waste your time this way.
Johnny's only one of millions,
does it matter anyway?'"

And she said, 'It matters to this one.
He deserves a chance to grow.
It matters to this one.
I can't save them all, I know.
But it matters to this one,
I'll help him be what he can be.
It matters to this one,
and it matters to me.'"

Let us pray:

Lord God Almighty, we pray for grace and guidance in shaping the destinies of the people of Florida, especially our children, our most precious and vulnerable constituents.

We pray that when our children sift through all that we have left behind, may the policies that they discover and the memoirs they uncover become a beacon of hope that will lead them on a path to a brighter future and a life of peace and prosperity. Amen.

PLEDGE

Senate Pages Chloe Anderson of Tallahassee; Garrett Carlson of Melbourne; Eileen Cowdery of Winter Springs; and Keon Hogan of Tallahassee, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Ronald Knaus of Largo, sponsored by Senator Jones, as doctor of the day. Dr. Knaus specializes in Psychiatry.

REMARKS

On motion by Senator Pruitt, the following remarks were ordered spread upon the Journal:

Senator Miller: Thank you, Mr. President. I hope I can get through this. I cry at movies. My wife looks at me and she's stone-faced. I cry when babies are being born. Hopefully, I can get through this. I hadn't thought much about what I was going to say when leaving this body, until I got the memo from the President's office asking if I would say a few words. I thought that Senator Clary was going to be first, but he declined, so I was first.

I thought I would never be able to serve in the Florida Legislature. I first ran in 1982 and got beat badly. It took me another ten years to get into this legislative body. When I grew up in Tampa in the 1950s, when

the South was the South, I never thought I would have this opportunity coming from a dad who worked in a phosphate plant for 44 years. He was 49 when I was born. I know now how smart he was because I go back in my mind and think about the things he told me. I realize that he was a bright guy. My mother, who is still alive at 90 years old, cleaned houses for other people. Even when she was sick, she washed the clothes in our home to try to make ends meet.

I never thought I would get here. I remember the day that I got elected and came in, in the Class of 1992. Sitting over there in that chamber, my wife was sitting there at the time, and I said, "What in the world am I doing here?" She said, "You've got a job to do." I never dreamed of being there. My father instilled in me my politics; he was a union guy. He was involved in politics as much as you could be for a black person back in that time. I worked with him on many campaigns and watched him do whatever he could do. He would always vote. My mother still votes at the age of 90. I think that's what is entrenched in me, the wanting to be involved in politics. This, knowing that I would never be rich, this is what I could give back to the people that have allowed me to get to where I am today.

I'll never forget the Class of 1992. When we came to the House, it was probably the largest class ever. We thought we were big stuff. In fact, we tried to take over the House. We learned very quickly from a guy named Bo Johnson, who was the Speaker, you don't do that. Senator Bullard was in that class. Senator Constantine was in that class. My seatmate and home boy, Senator Crist, was in that class. Senator Dawson was in that class. Senator Hill, my floor leader and confidant that I can go to and tell what we were going to do as a Caucus; Senator Klein, Senator Posey and Senator Villalobos were all in that Class of 1992.

I think about the events that have happened to me in these past 14 years. They've been kind of tough. I've lost a sister. I lost an uncle. I lost a father-in-law. The years have been kind of bright, too. Four of my grandchildren have been born since I've been in this process. Thomas Harper, Jr. is eleven. Tempestt Harper, my granddaughter, is seven. Lesley Miller IV, there's another one, he's six. There's another one, he's twenty-one months old. He was born weighing one pound, eight ounces. He is doing great now; that's Kameron. He is going to be the monster of all of them.

I thank the Savior, my Savior, for the good and the difficult times that I've had in these 14 years. The difficult times are those that I've just named. Going back again to something my father once told me, "If something doesn't kill you, it makes you stronger." The difficult times, when cancer took my family, three times since I've been in this process; three times since I've been in this chamber—in 2001, when my daughter was 29, two years later, breast cancer in my wife; and then me. It hit me. I'm blessed to be here. Again, my father said, and I think about it, "If it doesn't kill you, it makes you stronger." I pray to my Savior that I gave the type of service that he expected from me for the space on this earth that he's allowed me to occupy. I thank him for that.

There are people that I want to thank. First, I want to thank my wife. Some of you who have been here for 14 years or longer know the toll that it takes. Some of you who have been here even a shorter period of time also know the toll that it takes on your family; being away from them constantly. I did the right thing. I even helped my wife to get elected to office. She stood by me through thick and thin. The campaigns that I've lost and those that I've won. Through the battles of cancer, both of us, and all the turmoil that we've had, also the great things that we've had in our lives. I want to thank her for everything that she has done for me.

I want to thank the citizens of then District 59 that allowed me to go to the House in 1992. Thanks to the citizens of then District 21, that is now District 18, who allowed me to serve in this august body. I hope that I've represented them with respect and never let them down. I've tried to serve them with honor and dignity and have done whatever I could for those in that district and the people of the State of Florida.

I want to thank my district office staff; Michael Kinsey. When I was elected, I had an aide who left and went to Miami. Michael came along. Michael is retired military. I was blessed for him to come on board. This guy is top-notch. I couldn't have asked for a better guy, or a better person, to come to work for me in my district office. I guess I should call him Radar. Remember MASH? While I'm thinking about it, he's getting it done.

Wanda Beckham is back in the district. She's been with me my entire legislative career. She's been up and down with me. Sometimes her demeanor gets riled up. Wanda has been with me for 14 years, and I want to thank her for that.

Randolph Kinsey, who retired in December, and is Michael's dad, was with me as my campaign manager. When he came on, he said he was going to work for me for one year. He worked for me a little over 13 years. I want to thank him for that.

The Democratic Office staff, you couldn't ask for a better staff. Some of you know that. This is the best staff probably in the legislature. I know a lot of you think that your staff is great, but this is the best staff in the legislature, led by Jennifer Underhill, the Staff Director. Renai Farmer, Michelle Hayes, Natoya Alee and Daria Dawson, the baby of the group. Natoya Alee, we call her mama, because she's pregnant. She tried to come on the floor yesterday and the smart Sergeant's staff told her she couldn't because we would have three people on the floor. Chris Roundtree, the OPS person, and the boss, Sherese Gainous. I call her "the boss," because she keeps all of us in line. I want to thank them.

I want to thank the Democratic Caucus for allowing me to serve as its leader. It's been tough. I've tried to do the best that I could, believe me. I've stayed up at night thinking about what I could do for you and how we could stick together as a Caucus. I tried to work with the Republican side and make things happen. Knowing we would have some tough times on issues, but trying to make sure that we, as a body of Democrats, would not embarrass ourselves, and that we would hang in there and do what we could to make this state better for the people that we serve. I tried my very best. I might not have made every one of you happy, but I tried to do the best that I could. I want to thank you for that.

There are some members I want to thank, Mr. President. I'll be done after that. Senator Al Lawson and I met in 1992. He and the late Doug Jamerson would keep me up late at night at what we called the "Black House." You know what we were doing down there, too. We paid for it the next day. They taught me a lot about this process. A lot. They taught me that you have got to read the bills; learn the rules. They taught me that your word is your bond. I've tried to adhere to the principles that they taught me, sometimes at 3 o'clock in the morning. We suffered for it the next day. Al Lawson played a major role in my life. I don't know if he realizes that, he and the late Doug Jamerson.

Lisa Carlton, she's not here. Lisa and I had some tough times when we were over in the House. When I came to this body, Lisa became a dear friend. We worked together on Education Appropriations, and Ways and Means. I was her Vice Chair. We've developed a personal relationship and friendship over the last couple of years. It has meant a lot to me because Lisa and I couldn't be any more different than night and day. But she's a dear friend and I want to tell her thank you for that friendship.

When you become the leader, you look for somebody who you can work with and who will have your back. I thought, who could that person be? The first person who came to my mind was Senator Campbell. When I was out those times at home and couldn't be here, Senator Campbell took over and did a yeoman's job. He had my back. He has had my back through this whole process. We've done some things together that some people say, "Well you shouldn't have done those things." We did them anyway. We got results. I know I didn't make a mistake in choosing him as my Pro Tempore. Senator Campbell, thank you for your friendship, and thank you for being there with me.

Mr. President, I knew you when you were at the Chamber of Commerce in Brandon. I represented part of Brandon. We struck up a friendship there. I got to know you better when I came over here. I think I told you all, I had a little problem with a budgetary item, money was taken away, and I went to the President. He had some money in the budget. He told the budget chairperson and the staff to take part of it and give it to Miller and let's see if we can hold it for him. He didn't have to do that. When I had some struggles in my life I went and talked to him. We were sitting in his office just talking and our friendship got stronger and stronger and stronger. When I was home, he stayed in contact. He let me use a little BlackBerry and we stayed in contact with each other. When I got back here, the friendship has just grown. Between a President and a Minority Leader, it seems that we should have had some real difficult times. We only had a few bumps in the road, and it wasn't that big because of the friendship that we carried, the friendship that we've

shared. When I leave this process, I hope that you will still be my friend. I love you.

To all of you Senators, I'm going to wrap this up. Thank you for allowing me the privilege to serve with this august body. It has been quite a privilege. It has been tough, personally and professionally. I want you to do something for old Les Miller. Keep something in this body that will distinguish you as being the sensible upper chamber, and that is, to keep congeniality in this body. At the end of the day, when it's all said and done, all of the politics that goes on in here and some of the mean-spirited things that have happened, we are still human beings. We still should care about each other. That congeniality is what brought some of us who are in here thus far. I know when I was over in the House, and got ready to run for the Senate, I said that I was going to a body where we could sit down regardless of what color we were, what race we were, what parties we were and work things out together. That is what makes this body so great. That mean-spiritedness that sometimes hits, forget that stuff. Forget it.

Work for the benefit for the people of the State of Florida. That's who put us here. They put us here for that reason. So when I'm gone from here, I want to look back and I want to be someplace else, but if it doesn't happen and I'm home or at a hospital, or on the golf course trying to hit the ball a few yards, I can say that the body that I served in, they still have that congenial aspect about it. That's important.

I love each and everyone of you whether you like it or not. I love each and every one of you and you know something, there's not a thing you can do about it.

Senator Crist: While I didn't realize I'd be standing here delivering these comments for my good friend, Senator Miller, I have scratched some quickly on a sheet of paper as he was speaking.

In 1992, when we were elected, I found that you were in, I guess we call it, "our class." I had never really had a chance to meet Senator Miller before. I attended the University of South Florida and I saw his pictures on the wall. I read the articles about the late, great, rebel-rousing President Miller. He was president of the student body at a time when things were very difficult. He set a standard that was the guideline for the rest of his successors to follow. He was a legend.

I got to know him up here and started to work with him on issues. In the House, things got really contentious, especially in the area of justice, when a group of us decided we were going to try to reform our justice laws in this state. I found myself at odds with someone that I considered a friend, on many issues. But the odd part about it, was that there were other issues—children and family services, education, better communities, human rights and a lot of things—that we had common ground on. I never knew from day to day whether I'd be working with him to debate in favor of an issue or whether I'd be working against him in debate on an issue. But the one thing I found, at the time, in Representative Miller was fairness. As an articulate speaker, he was an effective debater; and in many cases, beat me on issues. But on the other hand, he could walk away from that chamber and at least two or maybe three hours later, shake my hand, have a drink or eat a meal or tell a joke and just be a friend again.

There are some things about Les that we all know. He's an articulate speaker; he's compassionate; he is fond of education and health services; and he is an outspoken advocate for those who are the under served and have a smaller voice in this process. But here are some things, that you may not know. At home, he's very active in his church. Most of us have learned that he is an artist, that he has an exquisite voice. He's a family man who takes his family very, very seriously, and his children. He is there for his family and his personal friends. He is surrounded by people who don't just work for him, but love him, and care about him deeply.

I remember when we first were elected, his aide was Randolph Kinsey, who was, I think the oldest guy in the entire Legislature. But Randolph, as slow as he was, was brilliant. And my aide at the time, Amy, and Randolph became best friends because they were learning together in this process.

Here in the Legislature, while he's very visible on the floor, he's not the kind of guy that you see out at all the clubs and see at all the parties. He's not a hobnobber in this process. He takes his work very, very seriously. He does read the bills; he does study; he is a prepared debater. We know that when Senator Miller stands on this floor, he is going to

be a formidable force on whatever side of the issue he tends to be on. He has always served with distinction. He is an honorable man. He thoroughly cares about the people he represents and has always kept them in mind. This is a process where you can always be pulled and swayed in many different directions and, Lord knows, those who are in the hallways work their best to try and get us to see things their way. Senator Miller has always taken the high road. He has always followed what he has believed was the right thing to do, even though sometimes I thought it wasn't necessarily the right thing to do.

I think he's going to be remembered in this process as a gentleman, as a compassionate legislator, as a statesman, and most of all, as a Floridian who loves and cares for this State and all the people who are in it.

Les, I was proud to serve with you. I look forward to working with you and continuing our relationship at home, and I know that the delegation feels the same way I do. Thank you for everything you have done.

Senator Lawson: Thank you very much, Mr. President. If I keep listening to these people, I'm going to start to cry. Les goes back a long way. I'm sure that if Doug (Jamerson) is looking down today, he'd say, "We did a good job on that boy, because he turned out real well." All those nights we spent together in orientation for you, Mr. President, many of those nights I asked him not to invite the guys from Tennessee around. But they always would invite "Jackson" and "Daniels." Those boys would come down from Tennessee and want to hang out all night. I told him "That's not good." They had been around for a long time. Since the early 1700s, those guys have been coming down from Tennessee. For some reason they were able to find the three of us. And we were struggling the next day.

I knew when he first came in with his dapper looks, he was always neat and clean. Doug and I used to ask, "Why is this guy so neat? He's neat all over."

I can tell you we knew from the beginning that he was destined to rise above everybody in leadership. In the House, he distinguished himself. After coming to the Senate, he distinguished himself. We were always very proud of him. We gave him some pointers, because during the time that we were there, there were issues about trying to keep your word; giving your word; your word is your bond; and we hammered those away. But I also think about the many nights that "Jackson" and "Daniels" didn't make it there; when I had to stay there with Les when we were trying to get the Black Caucus off the ground, and spent numerous times at night raising money to have activities, to have educational programs and to benefit poor citizens around the State of Florida. Doug was there. Les was there. We were hammering it out. I think about all those days when Les would come up from Tampa, and most of the time, it would just be the two of us. We would be on the telephone all day trying to make things happen.

I've been very, very proud of his accomplishments and certainly hate to see him leave this process. I spent a lot of time with him and his family. When his son had a problem here, I remember being out at the hospital with him and seeing the strength Les offered to his family during those difficult times. It has been truly a blessing for me to have served with him and to have gotten to know him over the years. It's amazing, I guess I'm getting old in the process. I had been in the Legislature 10 years before Les got here. I'm probably—King, Jones, myself, and a couple of others—most members would never get a chance probably to serve that long in this process. When Les mentions colleagues, all the ones that came in with him, all of them were stars. I think they made one of the biggest mistakes of trying to take over the Legislature. Posey and all of them were leading the way. They made one of the biggest mistakes. I remember sitting down with Les and Doug, trying to determine whether we were going to select Dan Webster into the Black Caucus. We thought that Dan fit all the profiles except that he didn't have his Black card or his Afro wig. But we did decide that Dan was eligible and that we would bring him in because we had spent a lot of time working with him. Les was one of the guys that was a swing vote. Les voted to let Dan in.

We are very proud of you. I know other members of the Caucus are very proud of you. And I say it on their behalf. Les, we certainly wish you luck in all your future endeavors. And it's been my reward and pleasure to have been a colleague of yours.

ADOPTION OF RESOLUTIONS

At the request of Senator Hill—

By Senator Hill—

SR 4—A resolution celebrating the life and honoring the achievements of Coretta Scott King.

WHEREAS, our country lost a magnificent leader in the quest for achieving civil rights and human rights with the passing of Coretta Scott King, on January 31, 2006, and

WHEREAS, Coretta Scott graduated from Antioch College in 1951 with majors in Music and Education and later studied at the New England Conservatory of Music in Boston, and

WHEREAS, Coretta Scott married the Rev. Martin Luther King, Jr., in 1953, raised four children with him, and stood at his side in the American Civil Rights Struggle, courageously withstanding the firebombing of their home, the assault and jailing of her husband, and a daily life fraught with personal sacrifice leading up to his tragic assassination in 1968, and

WHEREAS, since those dreadful days, Mrs. King has persevered in the work she shared with Dr. King, providing leadership and inspiration to new generations engaged in the struggle for human dignity, social justice, and world peace, and

WHEREAS, in addition to her work with Dr. King, she served in 1962 as a delegate to the Disarmament Conference in Geneva on behalf of the Women's Strike for Peace, and in 1968 she began her work without him by standing in his place at the Poor People's March to Washington, and

WHEREAS, the following year she founded and became the first Chief Executive Officer of the Martin Luther King, Jr., Center for Nonviolent Social Change, and her untiring efforts over the years were responsible for the development of the center and the Freedom Hall Complex into world-renowned facilities carrying forward Dr. King's philosophy of non-violence through seminars, workshops, and training programs, and

WHEREAS, Mrs. King also led goodwill missions to a number of Latin American and African nations, and addressed two of history's most massive peace rallies, in Bonn, Germany, and in New York City, and

WHEREAS, in 1983 she led the mobilization efforts for the 20th Anniversary March on Washington, D.C., bringing together more than 800 human rights organizations to form the Coalition of Conscience, and

WHEREAS, Mrs. King co-chaired the Full Employment Action Council and instituted the Black Leadership Forum, the National Black Coalition for Voter Participation, and the Black Leadership Roundtable, and

WHEREAS, Coretta Scott King was an accomplished writer publishing two books - "The Words of Martin Luther King, Jr." and "My Life with Martin Luther King, Jr." - and establishing the annual Coretta Scott King Award to honor outstanding African American authors, and

WHEREAS, through her entire public life, Coretta Scott King has been a model to the nation of stunning courage and exemplary grace and will be remembered in history as an outstanding American and an outstanding woman, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate pauses in its deliberations to honor the remarkable life and work of Coretta Scott King and expresses its admiration and gratitude for the gifts of patience, courage, dedication, and insight that she has given this nation.

—**SR 4** was introduced, read and adopted by publication.

At the request of Senator Miller—

By Senator Miller—

SR 2352—A resolution recognizing the life and work of Reverend A. Leon Lowry.

WHEREAS, Reverend A. Leon Lowry was one of Tampa's most influential civil rights activists and leaders and the first African-American elected to the Hillsborough County School Board, and

WHEREAS, Rev. Lowry's roots in the civil rights movement went back as far as his days of teaching theology at Morehouse College in the 1940s, where his students included Martin Luther King, Jr., and

WHEREAS, in the 1950s and 1960s, Rev. Lowry was crucial to the civil rights movement in Tampa, organizing sit-ins at segregated lunch counters and organizing a network to bail out protesters who were arrested, and

WHEREAS, Rev. Lowry also helped found Tampa's first biracial bank and worked with GTE president Fred Learey to devise a plan to break down racial barriers at the telephone company, and

WHEREAS, with his ability to reach out to people of all races, ages, and classes, Rev. Lowry played a critical role in his 16 years on the Hillsborough County School Board, providing the leadership necessary to move through the processes of school integration, and

WHEREAS, Rev. Lowry was awarded The Florida Bar Foundation's Medal of Honor in 1987 for his work in easing racial tensions and promoting social justice in Tampa, and

WHEREAS, spending the last 8 years of his life counseling inmates at Orient Road, Rev. Lowry continued to inspire everyone he came into contact with until his death on Saturday, August 20, 2005, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate recognizes and honors the significant and beneficial work accomplished by the Reverend A. Leon Lowry in the civil rights struggle in Tampa and the State of Florida.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the surviving members of Rev. Lowry's family - his wife, Shirley Lowry, and their sons and stepsons.

—**SR 2352** was introduced, read and adopted by publication.

At the request of Senator King—

By Senator King—

SR 2802—A resolution recognizing the week of June 18-24, 2006, as "Humane Society Appreciation Week" in Florida.

WHEREAS, humane societies have diligently served numerous communities in the State of Florida for as many as 45 years, and

WHEREAS, there are currently 48 humane societies in Florida that serve 40 counties in the struggle against domestic animal overpopulation, working to promote animal adoption and education, eliminate animal overpopulation, prevent animal cruelty, and relieve animal suffering, and

WHEREAS, stray animals present a health and safety risk for the people and animals of the state, and

WHEREAS, an estimated 800,000 or more unwanted and stray animals are euthanized annually in Florida, and

WHEREAS, through education, adoption, and promotion of spay/neuter practices, humane societies are reducing the number of companion animals euthanized in this state, and

WHEREAS, in 2004, humane societies located permanent homes for many thousands of unwanted animals and promoted regional spay/neuter campaigns as a preventive and responsible measure for controlling the animal overpopulation in Florida, and

WHEREAS, humane societies are staffed by an estimated 10,000 Florida residents who unselfishly volunteer their time, energy, and expertise, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the humane societies across this state are commended for protecting the health, safety, and welfare of the people and animals of Florida.

BE IT FURTHER RESOLVED that the week of June 18-24, 2006, is recognized as "Humane Society Appreciation Week" in Florida.

—**SR 2802** was introduced, read and adopted by publication.

At the request of Senator Bullard—

By Senator Bullard—

SR 2824—A resolution expressing gratitude and affection to all mothers.

WHEREAS, Sunday, May 14, 2006, has been designated as Mother's Day, and

WHEREAS, the highest ideals and noblest principles of humanity find their most exemplary expression in the sacrifice and devotion of mothers, and

WHEREAS, mothers embody enduring courage and conviction, charity without condescension, and emotion with sanity, and

WHEREAS, mothers are characterized by unconditional love for their offspring, are slow to lose patience, and serve as the anchors that bond the family, and

WHEREAS, a mother's love is like a flame that is always burning and intensifies each time a child is born, and

WHEREAS, a mother is a gift bestowed on man, never more dear than when bringing forth life in the form of a child, and

WHEREAS, it is proper that the members and staff of the Florida Senate recognize the immeasurable debt of gratitude owed to all mothers for their strength, guidance, understanding, and love, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the members of the Senate do hereby express to their own mothers and to all mothers, on behalf of the people of the State of Florida, personal affection and heartfelt gratitude.

BE IT FURTHER RESOLVED that this resolution be spread upon the Journal of the Senate as a tangible token of love and respect that the members hold for all mothers.

—**SR 2824** was introduced, read and adopted by publication.

BILLS ON THIRD READING

SENATOR MILLER PRESIDING

CS for SB 2432—A bill to be entitled An act relating to prepaid limited and discount medical plans; amending s. 636.044, F.S.; exempting certain sellers of travel from licensing requirements to sell prepaid limited health service contracts that cover the cost of transportation provided by an air ambulance service; providing an effective date.

—was read the third time by title.

MOTION

On motion by Senator Geller, the rules were waived to allow the following amendment to be considered:

Senators Geller, Bullard, Lee, Alexander, Argenziano, Aronberg, Atwater, Baker, Bennett, Campbell, Carlton, Clary, Constantine, Crist, Dawson, Diaz de la Portilla, Dockery, Fasano, Garcia, Haridopolos, Hill, Jones, King, Klein, Lawson, Lynn, Margolis, Miller, Peaden, Posey, Pruitt, Rich, Saunders, Sebesta, Siplin, Smith, Villalobos, Webster, Wilson and Wise offered the following amendment which was moved by Senator Geller and adopted by two-thirds vote:

Amendment 1 (495878)—On page 1, line 11, insert:

Section 1. *This act may be cited as the "John F. Cosgrove Act."*

(Redesignate subsequent sections.)

On motion by Senator Constantine, **CS for SB 2432** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Crist

CS for CS for CS for SB 638—A bill to be entitled An act relating to sheltering of sexual offenders and predators; amending s. 252.35, F.S.; requiring the Division of Emergency Management, in conjunction with specified agencies, to set forth policy guidance for the sheltering of individuals designated as sexual predators or subject to registration as sexual offenders; amending ss. 775.21 and 943.0435, F.S.; requiring sexual predators and individuals subject to registration as sexual offenders seeking shelter to adhere to specified guidelines and provisions; providing penalties; providing a finding of important state interest; providing an effective date.

—was read the third time by title.

On motion by Senator Clary, **CS for CS for CS for SB 638** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Margolis
Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wise

Nays—None

Vote after roll call:

Yea—Wilson

CS for SB 306—A bill to be entitled An act relating to public K-12 education; amending s. 1001.42, F.S., relating to powers and duties of district school boards; providing a requirement relating to the opening date of the school year; amending s. 1011.60, F.S.; including the opening date requirement for participation in the Florida Education Finance Program; providing for applicability beginning with the 2007-2008

school year unless a decision is made by the district school board to apply such provisions beginning with the 2006-2007 school year; providing an effective date.

—as amended April 26 was read the third time by title.

On motion by Senator Margolis, **CS for SB 306** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Dawson	Peadar
Alexander	Diaz de la Portilla	Pruitt
Argenziano	Fasano	Rich
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Baker	Hill	Siplin
Bennett	Jones	Smith
Bullard	King	Villalobos
Campbell	Klein	Webster
Carlton	Lawson	Wilson
Clary	Lynn	Wise
Constantine	Margolis	
Crist	Miller	

Nays—3

Dockery	Haridopolos	Posey
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HB 85—A bill to be entitled An act relating to assault or battery; amending s. 784.07, F.S.; providing for reclassification of an assault or battery on a licensed security officer or specified non-sworn law enforcement agency employee; providing applicability; providing an effective date.

—was read the third time by title.

Senators Siplin, Hill and Geller offered the following amendment which was moved by Senator Siplin:

Amendment 1 (492578)(with title amendment)—Lines 26-31, delete those lines and insert: parking enforcement specialist as defined in s. 316.640, or a security officer employed by the

And the title is amended as follows:

Lines 4 and 5, delete those lines and insert: battery on a licensed security officer; providing

On motion by Senator Baker, further consideration of **HB 85** with pending **Amendment 1 (492578)** was deferred.

HB 825—A bill to be entitled An act relating to the Financial Literacy Council; creating the council; providing purposes; providing for membership; providing for reimbursement for per diem and travel expenses; providing for meetings, procedures, and records; providing powers and duties of the council; providing for resources of the council; requiring that any funds received by the council be deposited in the Department of Financial Services Administrative Trust Fund; providing for expiration of the council; requiring annual reports to the Governor and Legislature; providing a contingent appropriation; providing for construction; providing a limitation on expenditures of certain grant funds; providing an effective date.

—was read the third time by title.

On motion by Senator Atwater, **HB 825** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Baker	Clary
Alexander	Bennett	Constantine
Argenziano	Bullard	Crist
Aronberg	Campbell	Dawson
Atwater	Carlton	Diaz de la Portilla

Dockery	Lawson	Sebesta
Fasano	Lynn	Siplin
Garcia	Margolis	Smith
Geller	Miller	Villalobos
Haridopolos	Peadar	Webster
Hill	Posey	Wilson
Jones	Pruitt	Wise
King	Rich	
Klein	Saunders	

Nays—None

SJR 98—A joint resolution proposing the creation of a new section in Article X of the State Constitution relating to the Florida Hurricane Catastrophe Fund.

Be It Resolved by the Legislature of the State of Florida:

That the following creation of a new section in Article X of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE X MISCELLANEOUS

Assets of the Florida Hurricane Catastrophe Fund.—The assets of the Florida Hurricane Catastrophe Fund, established by general law, shall be used exclusively for paying catastrophic hurricane loss obligations arising out of reimbursement contracts with insurers, paying debt service on revenue bonds and financing arrangements issued by or on behalf of the fund, reinsurance costs of the fund, administrative expenses of the fund, and an annual appropriation for hurricane loss mitigation programs. Ten million dollars must be appropriated annually in the General Appropriations Act for hurricane loss mitigation programs, and any additional appropriation from the fund for the programs must be approved by a vote of three-fourths of the membership of each house of the legislature in a separate bill or bills for that purpose only. However, the aggregate of any appropriations from the fund for hurricane loss mitigation programs in a fiscal year may not exceed the greater of \$10 million dollars or an amount equal to thirty-five percent of the fund's investment income based upon the most recent fiscal year-end audited financial statements. This section does not limit the authority of the legislature to abolish or otherwise terminate the operations of the Florida Hurricane Catastrophe Fund.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT ARTICLE X

FLORIDA HURRICANE CATASTROPHE FUND.—Proposing an amendment to the State Constitution to limit the purposes for which the Florida Hurricane Catastrophe Fund's assets may be used, to require an annual \$10 million appropriation in the General Appropriations Act for hurricane loss mitigation programs, to require any additional appropriation from the fund for the programs to be subject to a three-fourths vote of the membership of the Legislature in a separate bill or bills, and to limit the aggregate of any appropriations from the fund for hurricane loss mitigation programs in a fiscal year to the greater of \$10 million or 35 percent of the fund's investment income based on the most recent fiscal year-end audited financial statements.

—was read the third time in full.

On motion by Senator Alexander, **SJR 98** was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Baker	Constantine
Alexander	Bullard	Crist
Argenziano	Campbell	Dawson
Aronberg	Carlton	Diaz de la Portilla
Atwater	Clary	Fasano

Garcia	Lynn	Sebesta
Geller	Margolis	Siplin
Haridopolos	Miller	Smith
Hill	Peaden	Villalobos
Jones	Posey	Webster
King	Pruitt	Wilson
Klein	Rich	Wise
Lawson	Saunders	

Nays—1

Dockery

Vote after roll call:

Yea—Bennett

Yea to Nay—Argenziano

CS for SB 508—A bill to be entitled An act relating to sexual predators; amending s. 775.21, F.S.; redefining the terms “permanent residence” and “temporary residence” in order to reduce the number of consecutive days and days in the aggregate which constitute the residence of a sexual predator for purposes of requirements that the predator register with the Department of Law Enforcement, the sheriff’s office, or the Department of Corrections; providing an effective date.

—was read the third time by title.

On motion by Senator Aronberg, **CS for SB 508** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 1027—A bill to be entitled An act relating to biomedical research; providing legislative intent; amending s. 20.435, F.S.; authorizing the use of funds in the Biomedical Research Trust Fund for the purposes of the William G. “Bill” Bankhead, Jr., and David Coley Cancer Research Program; amending s. 215.5601, F.S.; providing for deposit of certain proceeds of the Lawton Chiles Endowment Fund into the Biomedical Research Trust Fund for purposes of the William G. “Bill” Bankhead, Jr., and David Coley Cancer Research Program; amending s. 215.5602, F.S.; revising the membership and the method for appointing members to the Biomedical Research Advisory Council; requiring the council to award grants for cancer research through the William G. “Bill” Bankhead, Jr., and David Coley Cancer Research Program; providing for the repeal of the James and Esther King Biomedical Research Program; requiring the Legislature to review the program prior to the repeal; providing for transition to new appointments; amending s. 381.855, F.S.; revising the membership of the advisory council for the Florida Center for Universal Research to Eradicate Disease; providing for terms of office and the filling of vacancies; providing for officers, meetings, and procedures; providing for transition to new appointments; amending s. 381.921, F.S.; revising a goal of the Florida Cancer Council; creating s. 381.922, F.S.; establishing the William G. “Bill” Bankhead, Jr., and David Coley Cancer Research Program within the Department of Health; providing the purpose of the program; requiring the program to provide grants for cancer research; providing procedures for awarding cancer research

grants; providing for peer review panels; providing requirements with respect to ethical conduct and conflicts of interest; providing for public records and meetings; requiring an annual report; providing for the repeal of William G. “Bill” Bankhead, Jr., and David Coley Cancer Research Program; requiring the Legislature to review the program prior to the repeal; amending s. 381.98, F.S., revising the purpose, duties, and authority of the Florida Public Health Foundation, Inc.; revising the membership of the board of directors of the corporation; amending s. 430.41, F.S., providing for the Governor to certify certain funds for a certain number of years; amending s. 561.121, F.S.; redistributing certain funds collected from taxes on alcoholic beverages; amending s. 1004.445, F.S.; requiring certain information in the annual report; requiring an annual operating budget; providing procedures for awarding of Alzheimer’s disease research grants; providing for peer review panels; providing requirements with respect to ethical conduct and conflicts of interest; providing for public records and meetings; providing for the repeal of Johnnie B. Byrd, Sr., Alzheimer’s Center and Research Institute; requiring the Legislature to review the center and institute prior to the repeal; providing appropriations; providing effective dates.

—as amended April 26 was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Saunders, the rules were waived and the Senate reconsidered the vote by which **Amendment 1 (050226)** was adopted April 26.

Senator Saunders moved the following amendment to **Amendment 1** which was adopted by two-thirds vote:

Amendment 1A (485868)—On page 8, lines 25 and 26, delete “funded by the proceeds of the Lawton Chiles Endowment Fund pursuant to s. 215.5601”

Senators Klein, Campbell and Smith offered the following amendment to **Amendment 1** which was moved by Senator Klein and failed to receive the required two-thirds vote:

Amendment 1B (672942)(with title amendment)—On page 20, between lines 14 and 15, insert:

Section 14. *The Department of Health shall establish rigorous guidelines for the tracking, monitoring, and donation of embryonic stem cells in this state.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 23, line 2, after the semicolon (;) insert: requiring the Department of Health to establish guidelines for the tracking, monitoring, and donation of embryonic stem cells;

The vote was:

Yeas—20

Argenziano	Geller	Margolis
Aronberg	Hill	Miller
Bennett	Jones	Rich
Bullard	King	Siplin
Campbell	Klein	Smith
Dawson	Lawson	Wilson
Dockery	Lynn	

Nays—18

Mr. President	Constantine	Pruitt
Alexander	Diaz de la Portilla	Saunders
Atwater	Fasano	Sebesta
Baker	Haridopolos	Villalobos
Carlton	Peaden	Webster
Clary	Posey	Wise

Amendment 1 as amended was adopted by two-thirds vote.

On motion by Senator Saunders, **HB 1027** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dockery	Peaden
Alexander	Fasano	Posey
Argenziano	Garcia	Pruitt
Aronberg	Geller	Rich
Atwater	Haridopolos	Saunders
Baker	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise
Diaz de la Portilla	Miller	

Nays—None

Vote after roll call:

Yea—Bennett, Carlton

 Consideration of **HB 789** was deferred.

HB 7015—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding archaeological sites; amending s. 267.135, F.S., which provides a public records exemption for information identifying the location of an archaeological site held by the Division of Historical Resources of the Department of State; making editorial changes; removing the scheduled repeal of the exemption under the Open Government Sunset Review Act; providing an effective date.

—was read the third time by title.

On motion by Senator Argenziano, **HB 7015** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

CS for SB 410—A bill to be entitled An act relating to employment requirements for law enforcement personnel; amending s. 943.13, F.S.; revising the presumption of disability for certain law enforcement, correctional, and correctional probation officers; amending s. 943.137, F.S.; authorizing the establishment of tobacco-use standards; providing an effective date.

—was read the third time by title.

On motion by Senator Baker, **CS for SB 410** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Aronberg	Bennett
Alexander	Atwater	Bullard
Argenziano	Baker	Campbell

Carlton	Hill	Rich
Clary	Jones	Saunders
Constantine	King	Sebesta
Crist	Klein	Siplin
Dawson	Lawson	Smith
Diaz de la Portilla	Lynn	Villalobos
Dockery	Margolis	Webster
Fasano	Miller	Wilson
Garcia	Peaden	Wise
Geller	Posey	
Haridopolos	Pruitt	
Nays—None		

CS for SB 908—A bill to be entitled An act relating to the change of a name; amending s. 68.07, F.S.; requiring that the petition for a change of name include two sets of fingerprints and a processing fee; providing duties of the clerk of the court with respect to forwarding sets of fingerprints to the Department of Law Enforcement for purposes of the state and national criminal history records check and following the granting of a petition; revising when a hearing on a change-of-name petition may occur; providing an effective date.

—was read the third time by title.

On motion by Senator Wise, **CS for SB 908** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 7013—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding copyright of data processing software created by governmental agencies; amending s. 119.084, F.S., which authorizes an agency to acquire and hold a copyright for data processing software created by the agency and to enforce its rights pertaining to such copyright; making editorial changes; removing the scheduled repeal of the exemption under the Open Government Sunset Review Act; providing an effective date.

—was read the third time by title.

On motion by Senator Argenziano, **HB 7013** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Clary	Hill
Alexander	Constantine	Jones
Argenziano	Crist	King
Aronberg	Dawson	Klein
Atwater	Diaz de la Portilla	Lawson
Baker	Dockery	Lynn
Bennett	Fasano	Margolis
Bullard	Garcia	Miller
Campbell	Geller	Peaden
Carlton	Haridopolos	Posey

Pruitt	Siplin	Webster
Rich	Smith	Wilson
Saunders	Villalobos	Wise
Sebesta		
Nays—None		

CS for SB 100—A bill to be entitled An act relating to the abatement of drug paraphernalia; creating the Drug Paraphernalia Abatement Task Force within the Executive Office of the Governor; prescribing task force membership; providing for meetings and duties of the task force; providing for members of the task force to be reimbursed for per diem and travel expenses; requiring the Office of Drug Control within the Executive Office of the Governor to provide staff support; requiring cooperation by state agencies; providing for abolishing the task force on a specified date; providing an effective date.

—was read the third time by title.

On motion by Senator Wise, **CS for SB 100** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peadar
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 1489—A bill to be entitled An act relating to the state's aerospace industry; redesignating the "Florida Space Authority" as "Space Florida"; creating s. 331.3011, F.S.; providing legislative intent; amending s. 331.302, F.S.; establishing and creating Space Florida as an independent special district, a body politic and corporate, for certain purposes; providing purposes and duties and responsibilities of Space Florida; providing definitions; revising and consolidating the roles, purposes, responsibilities, assets, and duties of the Florida Space Authority as those of Space Florida; deleting authority to establish facilities and complementary activities; providing additional powers and duties of Space Florida; prohibiting Space Florida from endorsing political candidates or making campaign contributions; characterizing certain property as Space Florida territory; creating s. 331.3051, F.S.; providing additional powers and responsibilities of Space Florida relating to the state's aerospace industry; deleting authority to exercise eminent domain powers; requiring Space Florida to create a business plan and a marketing campaign; directing Space Florida to enter into agreements with the Department of Education, the Department of Transportation, Enterprise Florida, Inc., and Workforce Florida, Inc., for certain purposes; requiring Space Florida to coordinate its activities with federal and state agencies; amending s. 331.308, F.S.; replacing provisions providing for a board of supervisors with provisions providing for a board of directors of Space Florida; providing for designation and appointment of members; providing requirements of board members; providing for terms, removal of members, and filling of vacancies; providing for board meetings; specifying service without compensation; providing for reimbursement of certain expenses; providing financial disclosure requirements; revising powers and duties of the board; amending ss. 331.301, 331.303, 331.305, 331.306, 331.309, 331.310, 331.3101, 331.311, 331.312, 331.313, 331.316, 331.317, 331.318, 331.319, 331.320, 331.321, 331.322, 331.323, 331.324, 331.325, 331.326, 331.327, 331.328, 331.329, 331.331, 331.333, 331.334, 331.335, 331.336, 331.337, 331.338, 331.339, 331.340, 331.343, 331.345, 331.346, 331.347, 331.348, 331.349, 331.350, 331.351, 331.354, 331.355, 331.360, and 331.369, F.S., to conform;

amending ss. 14.2015, 74.011, 196.012, 212.02, 288.063, 288.075, 288.35, and 288.9415, F.S., to conform; amending s. 212.08, F.S.; revising the exemption from the sales and use tax on certain machinery and equipment; creating s. 1004.86, F.S.; requiring the Department of Education to contract for the establishment of the Florida Center for Mathematics and Science Education Research at a public or private university; specifying requirements for the center; repealing s. 331.314, F.S., relating to the exclusive authority of the Florida Space Authority to regulate spaceports; repealing s. 331.315, F.S., relating to maintenance of projects across rights-of-way; repealing s. 331.367, F.S., relating to the Spaceport Management Council; repealing s. 331.368, F.S., relating to the Florida Space Research Institute; repealing ss. 331.401, 331.403, 331.405, 331.407, 331.409, 331.411, 331.415, 331.417, and 331.419, F.S., relating to the Florida Aerospace Finance Corporation; requiring the Florida Space Authority, the Florida Space Research Institute, and the Florida Aerospace Finance Corporation to submit articles of dissolution to the Department of State by a specified date; providing that Space Florida assumes the records, property, and unexpended balances of appropriations, allocations, and other funds from the dissolved entities; requiring the Governor, the President of the Senate, and the Speaker of the House of Representatives to appoint the board of directors of Space Florida by a specified date; requiring the board of directors of Space Florida to hold its first meeting by a specified date; amending s. 228.1224, F.S.; requiring the Florida Commission on Tourism to advise and cooperate with Space Florida under certain circumstances; amending ss. 288.9015, 334.044, 445.004, and 1001.10, F.S.; requiring Enterprise Florida, Inc., the Department of Transportation, Workforce Florida, Inc., and the Commissioner of Education to enter into agreement with Space Florida for certain purposes; providing appropriations; providing an effective date.

—as amended April 26 was read the third time by title.

Senator Fasano moved the following amendment which was adopted by two-thirds vote:

Amendment 4 (240494)—On line 709, after "Governor" insert: *or the Governor's designee*

MOTION

On motion by Senator Posey, the rules were waived to allow the following amendments to be considered:

Senator Posey moved the following amendments which were adopted by two-thirds vote:

Amendment 5 (171852)—On line 99, after "civil" insert: *, commercial,*

Amendment 6 (280382)—On lines 119-127, delete those lines and insert: *served by the Cape Canaveral Air Force Station and the John F. Kennedy Space Center by reducing costs and improving the regulatory flexibility for commercial sector launches while pursuing the development of complementary sites for commercial horizontal launches.*

(3) *It is the intent of the Legislature that aerospace activities be highly visible and well-coordinated within this state. To that end, it is the intent of the Legislature that Space Florida will be the single point of contact for state aerospace-*

Amendment 7 (493318)—On line 137, after "corporate," insert: *and a subdivision of the state,*

Amendment 8 (395750)—On lines 746-748, delete those lines and insert: *2. The appointees of the President of the Senate and the Speaker of the House of Representatives shall serve at the pleasure of their presiding officers.*

On motion by Senator Fasano, **HB 1489** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Baker	Clary
Alexander	Bennett	Crist
Argenziano	Bullard	Dawson
Aronberg	Campbell	Diaz de la Portilla
Atwater	Carlton	Dockery

Fasano	Lawson	Saunders
Garcia	Lynn	Sebesta
Geller	Margolis	Siplin
Haridopolos	Miller	Smith
Hill	Peaden	Villalobos
Jones	Posey	Webster
King	Pruitt	Wilson
Klein	Rich	Wise

Nays—None

Vote after roll call:

Yea—Constantine

 Consideration of **CS for CS for SB 2728** was deferred.

CS for SB 1528—A bill to be entitled An act relating to environmental protection; amending s. 403.413, F.S.; clarifying who is liable for dumping under the Florida Litter Law; amending s. 403.4131, F.S.; deleting the provisions relating to Keep Florida Beautiful, Inc.; providing that certain counties are encouraged to develop a regional approach to coordinating litter control and prevention programs; deleting certain requirements for a litter survey; deleting the provisions relating to the Wildflower Advisory Council; amending s. 403.41315, F.S.; conforming provisions to changes made to the Keep Florida Beautiful, Inc., program; amending s. 403.4133, F.S.; placing the Adopt-a-Shore Program within the Department of Environmental Protection; amending s. 320.08058, F.S.; requiring that the proceeds of the fees paid for Wildflower license plates be distributed to the Wildflower Foundation, Inc.; specifying uses of the proceeds; requiring that such proceeds be distributed to the Department of Agriculture and Consumer Services under certain circumstances; amending s. 403.703, F.S.; reordering definitions in alphabetical order; clarifying certain definitions and deleting definitions that are not used; amending s. 403.704, F.S.; deleting certain obsolete provisions relating to the state solid waste management program; amending s. 403.7043, F.S.; deleting certain obsolete and conflicting provisions relating to compost standards; amending s. 403.7045, F.S.; providing that industrial byproducts are not regulated under certain circumstances; conforming a cross-reference; clarifying certain provisions governing dredged material; amending s. 403.7061, F.S.; authorizing the Department of Environmental Protection to initiate rulemaking regarding waste-to-energy facilities; amending s. 403.707, F.S.; clarifying the Department of Environmental Preservation's permit authority; deleting certain obsolete provisions; extending the time period for a public hearing when a local government seeks to exempt certain material from the definition of construction and demolition debris; providing that upon the transfer of ownership or control of a solid waste facility that facility may not operate until the permit is transferred by the Department of Environmental Protection or consent is given to operate by the current permit holder; creating s. 403.7071, F.S.; providing for the management and disposal of storm-generated debris; amending s. 403.708, F.S.; deleting obsolete provisions and clarifying certain provisions governing landfills; amending s. 403.709, F.S.; revising the provisions relating to the distribution of the waste tire fees; amending s. 403.7095, F.S., relating to the solid waste management grant program; conforming a cross-reference; amending s. 403.7125, F.S.; deleting certain definitions that appear elsewhere in law and clarifying certain financial-disclosure provisions; amending s. 403.716, F.S.; deleting certain provisions relating to the training of certain facility operators; amending s. 403.717, F.S.; clarifying the provisions relating to waste tires and the processing of waste tires; transferring, renumbering, and amending s. 403.7221, F.S.; increasing the duration of certain research, development, and demonstration permits; amending s. 403.722, F.S.; clarifying provisions relating to who is required to obtain certain hazardous waste permits; amending s. 403.7226, F.S.; deleting a provision requiring a report that is duplicative of other reports; amending s. 403.724, F.S.; clarifying certain financial-assurance provisions; amending s. 403.7255, F.S.; providing additional requirements regarding the public notification of certain contaminated sites; amending s. 403.726, F.S.; authorizing the Department of Environmental Protection to issue an order to abate certain hazards; amending s. 403.7265, F.S.; deleting provisions relating to the development of a statewide local hazardous waste management plan; requiring a local government to provide matching funds for certain grants; providing that matching funds are not required under certain conditions; repealing s.

403.7075, F.S., relating to the submission of certain plans for solid waste management facilities; repealing s. 403.756, F.S., relating to an annual used-oil report; repealing ss. 403.78, 403.781, 403.782, 403.783, 403.784, 403.7841, 403.7842, 403.785, 403.786, 403.787, 403.7871, 403.7872, 403.7873, 403.788, 403.7881, 403.789, 403.7891, 403.7892, 403.7893, and 403.7895, F.S., relating to the Statewide Multipurpose Hazardous Waste Facility Siting Act; providing an effective date.

—as amended April 26 was read the third time by title.

On motion by Senator Dockery, **CS for SB 1528** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

CS for SB 202—A bill to be entitled An act relating to consumer protection; amending ss. 501.203 and 501.204, F.S.; changing obsolete dates; reenacting and amending s. 501.207, F.S., relating to remedies of the enforcing authority under the Florida Deceptive and Unfair Trade Practices Act; providing that the court may order actions brought under that act on behalf of an enterprise; creating s. 501.972, F.S.; providing requirements for protection of a creation not subject to copyright; providing an effective date.

—was read the third time by title.

On motion by Senator Aronberg, **CS for SB 202** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Clary

HB 329—A bill to be entitled An act relating to adult protective services; amending s. 415.102, F.S.; redefining the term “abuse” to include actions by a relative or a household member which are likely to harm a vulnerable adult; redefining the term “neglect” to include actions of a vulnerable adult against himself or herself; amending s. 415.1051, F.S.; providing for the Department of Children and Family Services to petition the court for an order authorizing the provision of protective

services for a vulnerable adult in need of services; amending s. 415.107, F.S.; authorizing the Agency for Persons with Disabilities to have access to certain otherwise confidential records and reports; providing an effective date.

—was read the third time by title.

On motion by Senator Rich, **HB 329** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Margolis
Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wise

Nays—None

Vote after roll call:

Yea—Wilson

RECESS

On motion by Senator Pruitt, the Senate recessed at 11:50 a.m. to reconvene at 1:30 p.m. or upon call of the President.

AFTERNOON SESSION

The Senate was called to order by the President at 1:45 p.m. A quorum present—39:

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

BILLS ON THIRD READING, continued

SENATOR MILLER PRESIDING

HB 1417—A bill to be entitled An act relating to hospices; amending s. 400.601, F.S.; revising the definition of the term “hospice”; amending s. 400.602, F.S.; requiring that a hospice state the year of initial licensure in the state; prescribing the manner and placement of such notification; providing an exception; deleting provisions authorizing the transfer of certain hospices and the acquisition of additional licenses; amending s. 400.606, F.S.; providing that the Agency for Health Care Administration may not deny a license to applicants that fail to meet certain conditions when good cause for such failure can be demonstrated; amending s. 400.6105, F.S.; requiring a hospice to use trained volunteers and to document and report certain volunteer information; requiring the Office of Program Policy Analysis and Government Accountability to submit a report to the Legislature; providing legislative intent; requiring the Department of Elderly Affairs, in conjunction with the agency, to develop certain outcome measures; providing for adoption of national initiatives; requiring an annual report; providing for severability; providing an effective date.

—was read the third time by title.

On motion by Senator Atwater, **HB 1417** was passed and certified to the House. The vote on passage was:

Yeas—27

Mr. President	Diaz de la Portilla	Peaden
Alexander	Fasano	Pruitt
Aronberg	Geller	Rich
Atwater	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Klein	Siplin
Campbell	Lawson	Smith
Carlton	Margolis	Wilson
Clary	Miller	Wise

Nays—12

Argenziano	Dockery	Lynn
Baker	Garcia	Posey
Constantine	Jones	Villalobos
Crist	King	Webster

CS for SB 1438—A bill to be entitled An act relating to custodial requirements for public records; amending s. 119.021, F.S.; clarifying the custodial requirements for a record that is confidential and exempt from disclosure pursuant to law; authorizing the custodian of such record to require an agency or other governmental entity that receives the record to acknowledge in writing the confidential and exempt status of the record; providing an effective date.

—as amended April 26 was read the third time by title.

On motion by Senator Argenziano, **CS for SB 1438** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

HB 317—A bill to be entitled An act relating to stand-alone bars; amending s. 561.695, F.S.; providing a penalty for a licensed vendor who knowingly makes a false statement on an annual compliance affidavit; removing a requirement that licensed vendors file a procedures report regarding compliance with certain food service limitations; providing an effective date.

—was read the third time by title.

On motion by Senator Haridopolos, **HB 317** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Bennett	Crist
Alexander	Bullard	Diaz de la Portilla
Argenziano	Campbell	Dockery
Aronberg	Carlton	Fasano
Atwater	Clary	Garcia
Baker	Constantine	Geller

Haridopolos	Margolis	Sebesta
Hill	Miller	Siplin
Jones	Peaden	Smith
King	Posey	Villalobos
Klein	Pruitt	Webster
Lawson	Rich	Wilson
Lynn	Saunders	Wise

Nays—None

HB 7137—A bill to be entitled An act relating to drug testing within the Department of Corrections; amending s. 944.474, F.S.; authorizing the department to develop a program for testing employees who are in safety-sensitive and special risk positions for certain controlled substances based upon a reasonable suspicion; providing for the reasonable suspicion to include violent acts or behavior of an employee while on or off duty; requiring the department to adopt rules; providing an effective date.

—was read the third time by title.

On motion by Senator Wise, **HB 7137** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

SB 704—A bill to be entitled An act relating to automated teller machine transaction charges; creating s. 655.966, F.S.; authorizing the operator of an automated teller machine to charge an access fee or surcharge for transactions using accounts from certain financial institutions; providing an effective date.

—as amended April 26 was read the third time by title.

On motion by Senator Alexander, **SB 704** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

HB 7007—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding child support services;

amending s. 61.1827, F.S., which provides an exemption from public records requirements for information that reveals the identity of applicants for or recipients of child support services; making editorial changes; removing the scheduled repeal of the exemption under the Open Government Sunset Review Act; providing an effective date.

—was read the third time by title.

On motion by Senator Campbell, **HB 7007** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

CS for SB 726—A bill to be entitled An act relating to private investigative, private security, and repossession services; amending s. 493.6106, F.S.; increasing the minimum age required for certain licensees; amending s. 493.6113, F.S.; conforming a provision requiring certification of insurance coverage; requiring certain licensees to complete specified continuing education; requiring the Department of Agriculture and Consumer Services to establish by rule criteria for the approval of continuing education courses and providers and the form for certificates of completion; amending s. 493.6202, F.S.; requiring the department to establish by rule certain fees relating to private investigative services; amending s. 493.6203, F.S.; requiring passage of an examination for licensure as a private investigator; providing an exemption for certain licensees; requiring reexamination for relicensure under certain circumstances; requiring successful completion of certain coursework and passage of an examination for licensure as a private investigator intern; requiring the department to establish by rule the general content and the form for certificates of completion of such training and criteria for the examination; requiring reexamination for relicensure under certain circumstances; amending s. 493.6406, F.S.; revising the information that is required to be included in an application for licensure as a repossession services school or training facility; providing an effective date.

—was read the third time by title.

On motion by Senator Argenziano, **CS for SB 726** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

HB 599—A bill to be entitled An act relating to the Florida Faith-based and Community-based Advisory Council; creating s. 14.31, F.S.; providing legislative findings and intent; creating the Florida Faith-based and Community-based Advisory Council within the Executive Office of the Governor for certain purposes; providing for council membership; providing for terms of members; providing for successor appointments; providing for meetings and organization of the council; specifying serving without compensation; providing for per diem and travel expenses; specifying required activities of the council; specifying restricted activities; requiring a report to the Governor and Legislature; providing for future repeal and abolition of the council; providing an effective date.

—was read the third time by title.

On motion by Senator Wise, **HB 599** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

SB 2434—A bill to be entitled An act relating to travel to terrorist states; amending s. 1011.81, F.S.; prohibiting the use of funds from the Community College Program Fund, or funds made available to community colleges from outside the fund, to implement, organize, direct, coordinate, or administer activities related to or involving travel to a terrorist state; defining “terrorist state”; amending s. 1011.90, F.S.; prohibiting the use of state or nonstate funds made available to state universities to implement, organize, direct, coordinate, or administer activities related to or involving travel to a terrorist state; defining “terrorist state”; amending s. 112.061, F.S.; providing that travel expenses of public officers or employees for the purpose of implementing, organizing, directing, coordinating, or administering activities related to, or involving, travel to a terrorist state shall not be allowed under any circumstances; defining “terrorist state”; providing an effective date.

—as amended April 26 was read the third time by title.

Senator Hill moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (235432)(with title amendment)—On page 3, between lines 15 and 16, insert:

Section 4. *No state funds made available to a private college or university in this state may be used to implement, organize, direct, coordinate, or administer, or to support the implementation, organization, direction, coordination, or administration of, activities related to, or involving, travel to a terrorist state. For purposes of this section, “terrorist state” is defined as any state, country, or nation designated by the United States Department of State as a state sponsor of terrorism.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 22, after the second semicolon (;) insert: prohibiting a private college or university in this state from using state funds for activities relating to, or involving, a terrorist state;

On motion by Senator Haridopolos, **SB 2434** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Mr. President	Fasano	Posey
Alexander	Garcia	Pruitt
Argenziano	Geller	Rich
Aronberg	Haridopolos	Saunders
Atwater	Hill	Sebesta
Baker	Jones	Siplin
Bullard	King	Smith
Campbell	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise
Diaz de la Portilla	Miller	
Dockery	Peaden	

Nays—None

Vote after roll call:

Yea—Bennett, Carlton

CS for SB 730—A bill to be entitled An act relating to accessories to a crime; providing a short title; amending s. 777.03, F.S.; limiting the provision that exempts certain members of an offender’s family from being charged with the offense of acting as an accessory after the fact to circumstances involving third-degree felony offenses; specifying additional actions that constitute being an accessory after the fact, for which penalties are provided; providing an effective date.

—was read the third time by title.

On motion by Senator Lynn, **CS for SB 730** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

HB 41—A bill to be entitled An act relating to administrative expunction of nonjudicial arrest records; amending s. 943.0581, F.S.; requiring the arresting law enforcement agency to apply to the Department of Law Enforcement for the administrative expunction of certain nonjudicial records of arrest; authorizing certain persons to apply directly to the department for administrative expunction in certain circumstances; requiring such persons to support such application with an endorsement; requiring an affidavit with specified information; providing that an application, endorsement, or affidavit may not be admitted into evidence or construed as an admission of liability; providing an effective date.

—was read the third time by title.

On motion by Senator Haridopolos, **HB 41** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Atwater	Campbell
Alexander	Baker	Carlton
Argenziano	Bennett	Clary
Aronberg	Bullard	Constantine

Crist	King	Rich
Diaz de la Portilla	Klein	Saunders
Dockery	Lawson	Sebesta
Fasano	Lynn	Siplin
Garcia	Margolis	Smith
Geller	Miller	Villalobos
Haridopolos	Peaden	Webster
Hill	Posey	Wilson
Jones	Pruitt	Wise

Nays—None

HB 7047—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding the tobacco settlement agreement; amending s. 569.215, F.S., which provides an exemption from public records requirements for proprietary confidential business information received by the Governor, the Attorney General, or outside counsel representing the State of Florida in negotiations for settlement payments pursuant to the settlement agreement in the case of State of Florida et al. v. American Tobacco Company et al., or received by the Chief Financial Officer or the Auditor General for any purpose relating to verifying settlement payments made pursuant to the settlement agreement; clarifying the definition of “trade secrets” for purposes of the exemption; making editorial changes; removing the scheduled repeal of the exemption; providing an effective date.

—was read the third time by title.

On motion by Senator Jones, **HB 7047** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

HB 187—A bill to be entitled An act relating to lawful testing for alcohol, chemical substances, or controlled substances; amending s. 316.1932, F.S.; revising provisions to notify a person that refusal to submit to a lawful test of the person’s breath, urine, or blood is a misdemeanor, to conform to changes made by the act; limiting information to be made available to a person tested to determine the amount of alcohol in the person’s blood or breath or the presence of chemical substances or controlled substances; amending s. 316.1939, F.S.; removing prior suspension as a condition for the commission of a misdemeanor by refusal to submit to a lawful test of breath, urine, or blood; providing penalties for refusal to submit to testing; amending s. 327.352, F.S.; revising provisions to notify a person that refusal to submit to a lawful test of the person’s breath, urine, or blood is a misdemeanor, to conform to changes made by the act; limiting information to be made available to a person tested to determine the amount of alcohol in the person’s blood or breath or the presence of chemical substances or controlled substances; amending s. 327.359, F.S.; removing prior suspension as a condition for the commission of a misdemeanor by refusal to submit to a lawful test of breath, urine, or blood; providing penalties for refusal to submit to testing; providing an effective date.

—as amended April 26 was read the third time by title.

Senator King moved the following amendment which was adopted by two-thirds vote:

Amendment 2 (623682)(with title amendment)—Delete everything after the enacting clause, and insert:

Section 1. Paragraphs (a), (c), and (f) of subsection (1) of section 316.1932, Florida Statutes, are amended to read:

316.1932 Tests for alcohol, chemical substances, or controlled substances; implied consent; refusal.—

(1)(a)1.a. Any person who accepts the privilege extended by the laws of this state of operating a motor vehicle within this state is, by so operating such vehicle, deemed to have given his or her consent to submit to an approved chemical test or physical test including, but not limited to, an infrared light test of his or her breath for the purpose of determining the alcoholic content of his or her blood or breath if the person is lawfully arrested for any offense allegedly committed while the person was driving or was in actual physical control of a motor vehicle while under the influence of alcoholic beverages. The chemical or physical breath test must be incidental to a lawful arrest and administered at the request of a law enforcement officer who has reasonable cause to believe such person was driving or was in actual physical control of the motor vehicle within this state while under the influence of alcoholic beverages. The administration of a breath test does not preclude the administration of another type of test. The person shall be told that his or her failure to submit to any lawful test of his or her breath will result in the suspension of the person’s privilege to operate a motor vehicle for a period of 1 year for a first refusal, or for a period of 18 months if the driving privilege of such person has been previously suspended as a result of a refusal to submit to such a test or tests, and shall also be told that if he or she refuses to submit to a lawful test of his or her breath and his or her driving privilege has been previously suspended for a prior refusal to submit to a lawful test of his or her breath, urine, or blood, he or she commits a misdemeanor in addition to any other penalties. The refusal to submit to a chemical or physical breath test upon the request of a law enforcement officer as provided in this section is admissible into evidence in any criminal proceeding.

b. Any person who accepts the privilege extended by the laws of this state of operating a motor vehicle within this state is, by so operating such vehicle, deemed to have given his or her consent to submit to a urine test for the purpose of detecting the presence of chemical substances as set forth in s. 877.111 or controlled substances if the person is lawfully arrested for any offense allegedly committed while the person was driving or was in actual physical control of a motor vehicle while under the influence of chemical substances or controlled substances. The urine test must be incidental to a lawful arrest and administered at a detention facility or any other facility, mobile or otherwise, which is equipped to administer such tests at the request of a law enforcement officer who has reasonable cause to believe such person was driving or was in actual physical control of a motor vehicle within this state while under the influence of chemical substances or controlled substances. The urine test shall be administered at a detention facility or any other facility, mobile or otherwise, which is equipped to administer such test in a reasonable manner that will ensure the accuracy of the specimen and maintain the privacy of the individual involved. The administration of a urine test does not preclude the administration of another type of test. The person shall be told that his or her failure to submit to any lawful test of his or her urine will result in the suspension of the person’s privilege to operate a motor vehicle for a period of 1 year for the first refusal, or for a period of 18 months if the driving privilege of such person has been previously suspended as a result of a refusal to submit to such a test or tests, and shall also be told that if he or she refuses to submit to a lawful test of his or her urine and his or her driving privilege has been previously suspended for a prior refusal to submit to a lawful test of his or her breath, urine, or blood, he or she commits a misdemeanor in addition to any other penalties. The refusal to submit to a urine test upon the request of a law enforcement officer as provided in this section is admissible into evidence in any criminal proceeding.

2. The Alcohol Testing Program within the Department of Law Enforcement is responsible for the regulation of the operation, inspection, and registration of breath test instruments utilized under the driving and boating under the influence provisions and related provisions located in this chapter and chapters 322 and 327. The program is responsible for the regulation of the individuals who operate, inspect, and instruct on the breath test instruments utilized in the driving and boating under the influence provisions and related provisions located in this chapter and chapters 322 and 327. The program is further responsible

for the regulation of blood analysts who conduct blood testing to be utilized under the driving and boating under the influence provisions and related provisions located in this chapter and chapters 322 and 327. The program shall:

- a. Establish uniform criteria for the issuance of permits to breath test operators, agency inspectors, instructors, blood analysts, and instruments.
- b. Have the authority to permit breath test operators, agency inspectors, instructors, blood analysts, and instruments.
- c. Have the authority to discipline and suspend, revoke, or renew the permits of breath test operators, agency inspectors, instructors, blood analysts, and instruments.
- d. Establish uniform requirements for instruction and curricula for the operation and inspection of approved instruments.
- e. Have the authority to specify one approved curriculum for the operation and inspection of approved instruments.
- f. Establish a procedure for the approval of breath test operator and agency inspector classes.
- g. Have the authority to approve or disapprove breath test instruments and accompanying paraphernalia for use pursuant to the driving and boating under the influence provisions and related provisions located in this chapter and chapters 322 and 327.
- h. With the approval of the executive director of the Department of Law Enforcement, make and enter into contracts and agreements with other agencies, organizations, associations, corporations, individuals, or federal agencies as are necessary, expedient, or incidental to the performance of duties.
- i. Issue final orders which include findings of fact and conclusions of law and which constitute final agency action for the purpose of chapter 120.
- j. Enforce compliance with the provisions of this section through civil or administrative proceedings.
- k. Make recommendations concerning any matter within the purview of this section, this chapter, chapter 322, or chapter 327.
- l. Promulgate rules for the administration and implementation of this section, including definitions of terms.
- m. Consult and cooperate with other entities for the purpose of implementing the mandates of this section.
- n. Have the authority to approve the type of blood test utilized under the driving and boating under the influence provisions and related provisions located in this chapter and chapters 322 and 327.
- o. Have the authority to specify techniques and methods for breath alcohol testing and blood testing utilized under the driving and boating under the influence provisions and related provisions located in this chapter and chapters 322 and 327.
- p. Have the authority to approve repair facilities for the approved breath test instruments, including the authority to set criteria for approval.

Nothing in this section shall be construed to supersede provisions in this chapter and chapters 322 and 327. The specifications in this section are derived from the power and authority previously and currently possessed by the Department of Law Enforcement and are enumerated to conform with the mandates of chapter 99-379, Laws of Florida.

(c) Any person who accepts the privilege extended by the laws of this state of operating a motor vehicle within this state is, by operating such vehicle, deemed to have given his or her consent to submit to an approved blood test for the purpose of determining the alcoholic content of the blood or a blood test for the purpose of determining the presence of chemical substances or controlled substances as provided in this section if there is reasonable cause to believe the person was driving or in actual physical control of a motor vehicle while under the influence of alcoholic beverages or chemical or controlled substances and the person appears

for treatment at a hospital, clinic, or other medical facility and the administration of a breath or urine test is impractical or impossible. As used in this paragraph, the term "other medical facility" includes an ambulance or other medical emergency vehicle. The blood test shall be performed in a reasonable manner. Any person who is incapable of refusal by reason of unconsciousness or other mental or physical condition is deemed not to have withdrawn his or her consent to such test. A blood test may be administered whether or not the person is told that his or her failure to submit to such a blood test will result in the suspension of the person's privilege to operate a motor vehicle upon the public highways of this state and that a refusal to submit to a lawful test of his or her blood, if his or her driving privilege has been previously suspended for refusal to submit to a lawful test of his or her breath, urine, or blood, is a misdemeanor. Any person who is capable of refusal shall be told that his or her failure to submit to such a blood test will result in the suspension of the person's privilege to operate a motor vehicle for a period of 1 year for a first refusal, or for a period of 18 months if the driving privilege of the person has been suspended previously as a result of a refusal to submit to such a test or tests, and that a refusal to submit to a lawful test of his or her blood, if his or her driving privilege has been previously suspended for a prior refusal to submit to a lawful test of his or her breath, urine, or blood, is a misdemeanor. The refusal to submit to a blood test upon the request of a law enforcement officer is admissible in evidence in any criminal proceeding.

(f)1. The tests determining the weight of alcohol in the defendant's blood or breath shall be administered at the request of a law enforcement officer substantially in accordance with rules of the Department of Law Enforcement. Such rules must specify precisely the test or tests that are approved by the Department of Law Enforcement for reliability of result and ease of administration, and must provide an approved method of administration which must be followed in all such tests given under this section. However, the failure of a law enforcement officer to request the withdrawal of blood does not affect the admissibility of a test of blood withdrawn for medical purposes.

2.a. Only a physician, certified paramedic, registered nurse, licensed practical nurse, other personnel authorized by a hospital to draw blood, or duly licensed clinical laboratory director, supervisor, technologist, or technician, acting at the request of a law enforcement officer, may withdraw blood for the purpose of determining its alcoholic content or the presence of chemical substances or controlled substances therein. However, the failure of a law enforcement officer to request the withdrawal of blood does not affect the admissibility of a test of blood withdrawn for medical purposes.

b. Notwithstanding any provision of law pertaining to the confidentiality of hospital records or other medical records, if a health care provider, who is providing medical care in a health care facility to a person injured in a motor vehicle crash, becomes aware, as a result of any blood test performed in the course of that medical treatment, that the person's blood-alcohol level meets or exceeds the blood-alcohol level specified in s. 316.193(1)(b), the health care provider may notify any law enforcement officer or law enforcement agency. Any such notice must be given within a reasonable time after the health care provider receives the test result. Any such notice shall be used only for the purpose of providing the law enforcement officer with reasonable cause to request the withdrawal of a blood sample pursuant to this section.

c. The notice shall consist only of the name of the person being treated, the name of the person who drew the blood, the blood-alcohol level indicated by the test, and the date and time of the administration of the test.

d. Nothing contained in s. 395.3025(4), s. 456.057, or any applicable practice act affects the authority to provide notice under this section, and the health care provider is not considered to have breached any duty owed to the person under s. 395.3025(4), s. 456.057, or any applicable practice act by providing notice or failing to provide notice. It shall not be a breach of any ethical, moral, or legal duty for a health care provider to provide notice or fail to provide notice.

e. A civil, criminal, or administrative action may not be brought against any person or health care provider participating in good faith in the provision of notice or failure to provide notice as provided in this section. Any person or health care provider participating in the provision of notice or failure to provide notice as provided in this section shall be immune from any civil or criminal liability and from any professional

disciplinary action with respect to the provision of notice or failure to provide notice under this section. Any such participant has the same immunity with respect to participating in any judicial proceedings resulting from the notice or failure to provide notice.

3. The person tested may, at his or her own expense, have a physician, registered nurse, other personnel authorized by a hospital to draw blood, or duly licensed clinical laboratory director, supervisor, technologist, or technician, or other person of his or her own choosing administer an independent test in addition to the test administered at the direction of the law enforcement officer for the purpose of determining the amount of alcohol in the person's blood or breath or the presence of chemical substances or controlled substances at the time alleged, as shown by chemical analysis of his or her blood or urine, or by chemical or physical test of his or her breath. The failure or inability to obtain an independent test by a person does not preclude the admissibility in evidence of the test taken at the direction of the law enforcement officer. The law enforcement officer shall not interfere with the person's opportunity to obtain the independent test and shall provide the person with timely telephone access to secure the test, but the burden is on the person to arrange and secure the test at the person's own expense.

4. Upon the request of the person tested, full information concerning the results of the test taken at the direction of the law enforcement officer shall be made available to the person or his or her attorney. *Full information is limited to the following:*

- a. *The type of test administered and the procedures followed.*
- b. *The time of the collection of the blood or breath sample analyzed.*
- c. *The numerical results of the test indicating the alcohol content of the blood and breath.*
- d. *The type and status of any permit issued by the Department of Law Enforcement which was held by the person who performed the test.*
- e. *If the test was administered by means of a breath testing instrument, the date of performance of the most recent required inspection of such instrument.*

Full information does not include manuals, schematics, or software of the instrument used to test the person or any other material that is not in the actual possession of the state. Additionally, full information does not include information in the possession of the manufacturer of the test instrument.

5. A hospital, clinical laboratory, medical clinic, or similar medical institution or physician, certified paramedic, registered nurse, licensed practical nurse, other personnel authorized by a hospital to draw blood, or duly licensed clinical laboratory director, supervisor, technologist, or technician, or other person assisting a law enforcement officer does not incur any civil or criminal liability as a result of the withdrawal or analysis of a blood or urine specimen, or the chemical or physical test of a person's breath pursuant to accepted medical standards when requested by a law enforcement officer, regardless of whether or not the subject resisted administration of the test.

Section 2. Paragraphs (a), (c), and (e) of subsection (1) of section 327.352, Florida Statutes, are amended to read:

327.352 Tests for alcohol, chemical substances, or controlled substances; implied consent; refusal.—

(1)(a)1. The Legislature declares that the operation of a vessel is a privilege that must be exercised in a reasonable manner. In order to protect the public health and safety, it is essential that a lawful and effective means of reducing the incidence of boating while impaired or intoxicated be established. Therefore, any person who accepts the privilege extended by the laws of this state of operating a vessel within this state is, by so operating such vessel, deemed to have given his or her consent to submit to an approved chemical test or physical test including, but not limited to, an infrared light test of his or her breath for the purpose of determining the alcoholic content of his or her blood or breath if the person is lawfully arrested for any offense allegedly committed while the person was operating a vessel while under the influence of alcoholic beverages. The chemical or physical breath test must be incidental to a lawful arrest and administered at the request of a law enforcement officer who has reasonable cause to believe such person was

operating the vessel within this state while under the influence of alcoholic beverages. The administration of a breath test does not preclude the administration of another type of test. The person shall be told that his or her failure to submit to any lawful test of his or her breath will result in a civil penalty of \$500, and shall also be told that if he or she refuses to submit to a lawful test of his or her breath and he or she has been previously fined for refusal to submit to any lawful test of his or her breath, urine, or blood, he or she commits a misdemeanor in addition to any other penalties. The refusal to submit to a chemical or physical breath test upon the request of a law enforcement officer as provided in this section is admissible into evidence in any criminal proceeding.

2. Any person who accepts the privilege extended by the laws of this state of operating a vessel within this state is, by so operating such vessel, deemed to have given his or her consent to submit to a urine test for the purpose of detecting the presence of chemical substances as set forth in s. 877.111 or controlled substances if the person is lawfully arrested for any offense allegedly committed while the person was operating a vessel while under the influence of chemical substances or controlled substances. The urine test must be incidental to a lawful arrest and administered at a detention facility or any other facility, mobile or otherwise, which is equipped to administer such tests at the request of a law enforcement officer who has reasonable cause to believe such person was operating a vessel within this state while under the influence of chemical substances or controlled substances. The urine test shall be administered at a detention facility or any other facility, mobile or otherwise, which is equipped to administer such test in a reasonable manner that will ensure the accuracy of the specimen and maintain the privacy of the individual involved. The administration of a urine test does not preclude the administration of another type of test. The person shall be told that his or her failure to submit to any lawful test of his or her urine will result in a civil penalty of \$500, and shall also be told that if he or she refuses to submit to a lawful test of his or her urine and he or she has been previously fined for refusal to submit to any lawful test of his or her breath, urine, or blood, he or she commits a misdemeanor in addition to any other penalties. The refusal to submit to a urine test upon the request of a law enforcement officer as provided in this section is admissible into evidence in any criminal proceeding.

(c) Any person who accepts the privilege extended by the laws of this state of operating a vessel within this state is, by operating such vessel, deemed to have given his or her consent to submit to an approved blood test for the purpose of determining the alcoholic content of the blood or a blood test for the purpose of determining the presence of chemical substances or controlled substances as provided in this section if there is reasonable cause to believe the person was operating a vessel while under the influence of alcoholic beverages or chemical or controlled substances and the person appears for treatment at a hospital, clinic, or other medical facility and the administration of a breath or urine test is impractical or impossible. As used in this paragraph, the term "other medical facility" includes an ambulance or other medical emergency vehicle. The blood test shall be performed in a reasonable manner. Any person who is incapable of refusal by reason of unconsciousness or other mental or physical condition is deemed not to have withdrawn his or her consent to such test. Any person who is capable of refusal shall be told that his or her failure to submit to such a blood test will result in a civil penalty of \$500 and that a refusal to submit to a lawful test of his or her blood, if he or she has previously been fined for refusal to submit to any lawful test of his or her breath, urine, or blood, is a misdemeanor. The refusal to submit to a blood test upon the request of a law enforcement officer shall be admissible into evidence in any criminal proceeding.

(e)1. The tests determining the weight of alcohol in the defendant's blood or breath shall be administered at the request of a law enforcement officer substantially in accordance with rules of the Department of Law Enforcement. However, the failure of a law enforcement officer to request the withdrawal of blood does not affect the admissibility of a test of blood withdrawn for medical purposes.

2. Only a physician, certified paramedic, registered nurse, licensed practical nurse, other personnel authorized by a hospital to draw blood, or duly licensed clinical laboratory director, supervisor, technologist, or technician, acting at the request of a law enforcement officer, may withdraw blood for the purpose of determining its alcoholic content or the presence of chemical substances or controlled substances therein. However, the failure of a law enforcement officer to request the withdrawal of blood does not affect the admissibility of a test of blood withdrawn for medical purposes.

3. The person tested may, at his or her own expense, have a physician, registered nurse, other personnel authorized by a hospital to draw blood, or duly licensed clinical laboratory director, supervisor, technologist, or technician, or other person of his or her own choosing administer an independent test in addition to the test administered at the direction of the law enforcement officer for the purpose of determining the amount of alcohol in the person's blood or breath or the presence of chemical substances or controlled substances at the time alleged, as shown by chemical analysis of his or her blood or urine, or by chemical or physical test of his or her breath. The failure or inability to obtain an independent test by a person does not preclude the admissibility in evidence of the test taken at the direction of the law enforcement officer. The law enforcement officer shall not interfere with the person's opportunity to obtain the independent test and shall provide the person with timely telephone access to secure the test, but the burden is on the person to arrange and secure the test at the person's own expense.

4. Upon the request of the person tested, full information concerning the results of the test taken at the direction of the law enforcement officer shall be made available to the person or his or her attorney. *Full information is limited to the following:*

- a. *The type of test administered and the procedures followed.*
- b. *The time of the collection of the blood or breath sample analyzed.*
- c. *The numerical results of the test indicating the alcohol content of the blood and breath.*
- d. *The type and status of any permit issued by the Department of Law Enforcement which was held by the person who performed the test.*
- e. *If the test was administered by means of a breath testing instrument, the date of performance of the most recent required inspection of such instrument.*

Full information does not include manuals, schematics, or software of the instrument used to test the person or any other material that is not in the actual possession of the state. Additionally, full information does not include information in the possession of the manufacturer of the test instrument.

5. A hospital, clinical laboratory, medical clinic, or similar medical institution or physician, certified paramedic, registered nurse, licensed practical nurse, other personnel authorized by a hospital to draw blood, or duly licensed clinical laboratory director, supervisor, technologist, or technician, or other person assisting a law enforcement officer does not incur any civil or criminal liability as a result of the withdrawal or analysis of a blood or urine specimen, or the chemical or physical test of a person's breath pursuant to accepted medical standards when requested by a law enforcement officer, regardless of whether or not the subject resisted administration of the test.

Section 3. This act shall take effect October 1, 2006.

And the title is amended as follows:

Delete everything before the enacting clause, and insert: A bill to be entitled An act relating to lawful testing for alcohol, chemical substances, or controlled substances; amending s. 316.1932, F.S.; limiting information to be made available to a person tested to determine the amount of alcohol in the person's blood or breath or the presence of chemical substances or controlled substances; amending s. 327.352, F.S.; limiting information to be made available to a person tested to determine the amount of alcohol in the person's blood or breath or the presence of chemical substances or controlled substances; providing an effective date.

RECONSIDERATION OF AMENDMENT

On motion by Senator Fasano, the rules were waived and the Senate reconsidered the vote by which **Amendment 1 (181232)** was adopted April 26. **Amendment 1** was withdrawn.

On motion by Senator Fasano, **HB 187** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Aronberg	Baker
Alexander	Atwater	Bennett

Bullard	Haridopolos	Posey
Campbell	Hill	Pruitt
Carlton	Jones	Rich
Clary	King	Saunders
Constantine	Klein	Sebesta
Crist	Lawson	Siplin
Diaz de la Portilla	Lynn	Villalobos
Dockery	Margolis	Webster
Fasano	Miller	Wilson
Garcia	Peaden	Wise

Nays—3

Argenziano	Geller	Smith
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Vote after roll call:

Nay to Yea—Argenziano

Consideration of **CS for SB 744** was deferred.

CS for SB 1956—A bill to be entitled An act relating to land trusts; amending s. 689.071, F.S.; providing a short title; providing definitions; revising provisions relating to land trust transfers of real property and vesting of ownership in a trustee; deleting a requirement that a trustee be qualified to act as a fiduciary; deleting obsolete references to "dower" and "curtesy"; specifying rights, liabilities, and duties of land trust beneficiaries; providing that the principal residence of a beneficiary which is held in a land trust is entitled to the homestead tax exemption under certain circumstances; providing for the appointment of successor trustees; providing requirements for declarations of appointment; providing that a trustee of a land trust may be a creditor of the trust or of a trust beneficiary; amending s. 201.02, F.S.; conforming a cross-reference; providing application; providing an effective date.

—was read the third time by title.

On motion by Senator Aronberg, **CS for SB 1956** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

HB 567—A bill to be entitled An act relating to notaries public; amending s. 117.05, F.S.; requiring notaries public to provide services without charge to certain persons; creating s. 117.071, F.S.; requiring notaries public to maintain a journal and to record notarial acts; providing an exception; providing requirements for journal entries; requiring retention of the journal for a specified period after the last entry and requiring certain notice upon failure to do so; providing that failure to comply with such requirements may constitute grounds for suspension or nonrenewal of the notary public commission by the Executive Office of the Governor; amending s. 117.10, F.S.; providing an exemption for certain law enforcement officers; providing an effective date.

—as amended April 26 was read the third time by title.

On motion by Senator Fasano, **HB 567** as amended was passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Diaz de la Portilla	Posey
Alexander	Fasano	Pruitt
Argenziano	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Villalobos
Campbell	Klein	Webster
Carlton	Lawson	Wilson
Clary	Margolis	Wise
Constantine	Miller	
Crist	Peaden	

Nays—5

Aronberg	King	Smith
Dockery	Lynn	

Vote after roll call:

Yea to Nay—Bullard, Garcia

CS for SB 1748—A bill to be entitled An act relating to juvenile justice; reorganizing ch. 985, F.S.; providing new section numbers and part titles; amending s. 985.01, F.S., relating to purposes and intent for the chapter; amending s. 985.02, F.S., relating to the legislative intent for the juvenile justice system; revising a reference and cross-references to conform; amending s. 985.03, F.S., relating to definitions for the chapter; amending, renumbering, and revising references and cross-references to conform; creating s. 985.0301, F.S., relating to the jurisdiction of the juvenile court; amending and renumbering s. 985.201, F.S.; amending and renumbering a provision of s. 985.219, F.S., that relates to such jurisdiction; revising references and cross-references to conform; creating s. 985.032, F.S., relating to legal representation for delinquency cases; renumbering s. 985.202, F.S.; creating s. 985.033, F.S., relating to the right to counsel; amending and renumbering s. 985.203, F.S.; revising references to conform; creating s. 985.035, F.S., relating to open hearings; renumbering s. 985.205, F.S.; creating s. 985.036, F.S., relating to the rights of victims in juvenile proceedings; amending and renumbering s. 985.206, F.S.; providing for the release of certain information to victims; creating s. 985.037, F.S., relating to punishment for contempt of court and alternative sanctions; amending and renumbering s. 985.216, F.S.; revising provisions relating to contempt of court; creating s. 985.039, F.S., relating to cost of supervision and care; amending and renumbering s. 985.2311, F.S.; amending and renumbering s. 985.04, F.S.; clarifying a provision relating to the release of certain information; revising references and cross-references to conform; creating s. 985.045, F.S., relating to court records; amending and renumbering s. 985.05, F.S.; revising references and cross-references to conform; creating s. 985.046, F.S., relating to the statewide information-sharing system and interagency workgroup; renumbering s. 985.06, F.S.; creating s. 985.047, F.S., relating to information systems; renumbering s. 985.08, F.S.; creating s. 985.101, F.S., relating to taking a child into custody; amending and renumbering s. 985.207, F.S.; creating s. 985.105, F.S., relating to intake and case management; renumbering a provision of s. 985.215, F.S., relating to transporting a child who has been taken into custody; revising a reference and cross-references to conform; creating s. 985.105, F.S., relating to youth custody officers; amending and renumbering s. 985.2075, F.S.; creating s. 985.11, F.S., relating to fingerprinting and photographing; amending and renumbering s. 985.212, F.S.; revising a cross-reference to conform; creating s. 985.115, F.S., relating to release or delivery from custody; amending and renumbering provisions of s. 985.211, F.S., that relate to such release or delivery; revising cross-references to conform; creating s. 985.12, F.S., relating to civil citations; amending and renumbering s. 985.301, F.S.; revising a cross-reference to conform; creating s. 985.125, F.S., relating to prearrest or postarrest diversion programs; renumbering s. 985.3065, F.S.; creating s. 985.13, F.S., relating to probable cause affidavits; amending and renumbering provisions of s. 985.211, F.S., that relate to probable cause affidavits and certain requirements upon the taking of a child into custody; revising cross-references to conform; creating s. 985.135, F.S., relating to juvenile assessment centers; amending and renumbering s. 985.209, F.S.; creating s. 985.14, F.S., relating to the intake and case management system; amending, renumbering, and redesignating provisions of s. 985.21, F.S., that relate to intake and case

management; revising cross-references to conform; creating s. 985.145, F.S., relating to the responsibilities of the juvenile probation officer during intake and to screenings and assessments; amending and redesignating provisions of s. 985.21, F.S., that relate to such responsibilities, screenings, and assessments; revising cross-references to conform; creating s. 985.15, F.S., relating to filing decisions in juvenile cases; revising cross-references to conform; creating s. 985.155, F.S., relating to neighborhood restorative justice; renumbering s. 985.303, F.S.; creating s. 985.16, F.S., relating to community arbitration; amending and renumbering s. 985.304, F.S.; revising a reference to conform; creating s. 985.18, F.S., relating to medical, psychiatric, psychological, substance abuse, and educational examination and treatment; renumbering s. 985.224, F.S.; redesignating a provision of s. 985.215, F.S., that relates to comprehensive evaluations of certain youth; creating s. 985.185, F.S., relating to evaluations for dispositions; amending and renumbering provisions of s. 985.229, F.S., that relate to such evaluations; creating s. 985.19, F.S., relating to incompetency in juvenile delinquency cases; renumbering s. 985.223, F.S.; creating s. 985.195, F.S., relating to transfer to other treatment services; renumbering s. 985.418, F.S.; creating s. 985.24, F.S., relating to the use of detention and to prohibitions on the use of detention; renumbering provisions of s. 985.213, F.S., that relate to the use of detention; renumbering s. 985.214, F.S.; creating s. 985.245, F.S., relating to the risk assessment instrument; amending and renumbering a provision of s. 985.213, F.S., that relates to such instrument; revising cross-references to conform; creating s. 985.25, F.S., relating to detention intake; amending, renumbering, and redesignating provisions of s. 985.215, F.S., that relate to detention intake; revising cross-references to conform; creating s. 985.255, F.S., relating to detention criteria and detention hearings; amending and renumbering a provision of s. 985.215, F.S., that relates to such criteria and hearings; revising cross-references to conform; creating s. 985.26, F.S., relating to length of detention; amending, renumbering, and redesignating provisions of s. 985.215, F.S., that relate to length of detention; revising cross-references to conform; creating s. 985.265, F.S., relating to detention transfer and release, education of juvenile offenders while in detention or on detention status, and holding of juvenile offenders in adult jails; amending and renumbering provisions of s. 985.215, F.S., that relate to transfer, release, and holding juvenile offenders in adult jails; renumbering a provision of s. 985.213, F.S., that relates to education of juvenile offenders while in detention or on detention status; revising references and cross-references to conform; creating s. 985.27, F.S., relating to postcommitment detention of juvenile offenders while such offenders are awaiting residential placement; amending and redesignating provisions of s. 985.215, F.S., that relate to such detention; limiting the use of such detention; revising references to “detention” to clarify that such term means “secure detention” in certain circumstances; creating s. 985.275, F.S., relating to the detention of an escapee; amending and renumbering s. 985.208, F.S.; revising a cross-reference to conform; creating s. 985.318, F.S., relating to petitions; renumbering s. 985.218, F.S.; creating s. 985.319, F.S., relating to process and service; renumbering provisions of s. 985.219, F.S., that relate to process and service; creating s. 985.325, relating to prohibitions against threatening or dismissing employees; amending and renumbering s. 985.22, F.S.; revising cross-references to conform; creating s. 985.331, F.S., relating to court and witness fees; renumbering s. 985.221, F.S.; creating s. 985.335, F.S., relating to answering a petition; renumbering s. 985.222, F.S.; creating s. 985.345, F.S., relating to delinquency pretrial intervention programs; renumbering s. 985.306, F.S.; creating s. 985.35, F.S., relating to adjudicatory hearings, withholding of adjudication, and orders of adjudication; amending and renumbering s. 985.228, F.S.; repealing a provision prohibiting a person from possessing a firearm in certain circumstances; revising a reference and cross-references to conform; creating s. 985.43, F.S., relating to predisposition reports and other evaluations; amending and renumbering provisions of s. 985.229, F.S., that relate to such reports and evaluations; revising cross-references to conform; creating s. 985.433, F.S., relating to disposition hearings in delinquency cases; amending and renumbering s. 985.23, F.S.; clarifying who is considered a party to a juvenile case; specifying who must be given an opportunity to comment on the issue of disposition; revising cross-references to conform; amending a provision of s. 985.231, F.S., relating to requirement of written disposition orders; creating s. 985.435, F.S., relating to probation, postcommitment probation, and community service; amending and redesignating a provision of s. 985.231, F.S., relating to probation, postcommitment probation, and community control; creating s. 985.437, F.S., relating to restitution; revising a reference and cross-reference to conform; creating s. 985.439, F.S., relating to violations of probation or postcommitment probation; revising cross-references to conform; creating s. 985.441, F.S., relating to commitment; providing a requirement for

commitment of a child as a juvenile sexual offender; revising cross-references to conform; creating s. 985.442, F.S., relating to the form of commitment; renumbering s. 985.232, F.S.; creating s. 985.445, F.S., relating to disposition of delinquency cases involving grand theft of a motor vehicle; amending and redesignating a provision of s. 985.231, F.S., that relates to disposition in such cases; creating s. 985.45, F.S., relating to liability and remuneration for work; amending and redesignating a provision of s. 985.231, F.S., that relates to liability and remuneration; creating s. 985.455, F.S., relating to other dispositional issues; amending and redesignating provisions of s. 985.231, F.S., that relate to determination of sanctions, rehabilitation programs, and certain contact with the victim subsequent to disposition; redesignating provisions of s. 985.231, F.S., that specify the duration of commitment and suspension of disposition; revising a cross-reference to conform; creating s. 985.46, F.S., relating to conditional release; amending and renumbering s. 985.316, F.S.; revising a cross-reference to conform; creating s. 985.465, F.S., relating to juvenile correctional facilities and juvenile prisons; amending and renumbering s. 985.313, F.S.; creating s. 985.47, F.S., relating to serious and habitual juvenile offenders; amending and renumbering a provision of s. 985.03, F.S., that relates to such offenders; amending and renumbering s. 985.31, F.S.; revising a reference and cross-references to conform; creating s. 985.475, F.S., relating to juvenile sexual offenders; amending and renumbering a provision of s. 985.03, F.S., that relates to such offenders; revising a cross-reference to conform; amending and renumbering a provision of s. 985.231, F.S., that relates to such offenders; revising cross-references to conform; creating s. 985.48, F.S., relating to juvenile sexual offender commitment programs and sexual abuse intervention networks; renumbering s. 985.308, F.S.; creating s. 985.483, F.S., relating to intensive residential treatment programs for juvenile offenders less than 13 years of age; amending and renumbering a provision of s. 985.03, F.S., that relates to such offenders; amending and renumbering s. 985.311, F.S.; revising cross-references to conform; creating s. 985.486, F.S., relating to the prerequisites for commitment of juvenile offenders less than 13 years of age to intensive residential treatment programs; amending and renumbering s. 985.312, F.S.; revising cross-references to conform; creating s. 985.489, F.S., relating to boot camp for children; amending and renumbering s. 985.309, F.S.; revising cross-references to conform; creating s. 985.494, F.S., relating to commitment programs for juvenile felony offenders; amending and renumbering s. 985.314, F.S.; revising cross-references to conform; creating s. 985.511, F.S., relating to the child's right to counsel and the cost of representation; creating s. 985.512, F.S., relating to the powers of the court with respect to certain children; renumbering s. 985.204, F.S.; creating s. 985.513, F.S., relating to the powers of the court over parents or guardians at disposition of the child's case; amending and redesignating provisions of s. 985.231, F.S., that relate to such powers; revising cross-references to conform; creating s. 985.514, F.S., relating to the responsibilities of the parents or guardians of a child for certain fees related to the cost of care; revising a cross-reference to conform; creating s. 985.534, F.S., relating to appeals in juvenile cases; renumbering s. 985.234, F.S.; creating s. 985.535, F.S., relating to time for taking appeal by the state; renumbering s. 985.235, F.S.; creating s. 985.536, F.S., relating to orders or decisions when the state appeals; renumbering s. 985.236, F.S.; creating s. 985.556, F.S., relating to voluntary and involuntary waivers of juvenile court jurisdiction and hearings for such waivers; amending and renumbering s. 985.226, F.S.; revising cross-references to conform; creating s. 985.557, F.S., relating to discretionary and mandatory criteria for the direct filing of an information against a juvenile offender in the criminal division of the circuit court; amending and renumbering s. 985.227, F.S.; revising cross-references to conform; creating s. 985.56, F.S., relating to indictment of juvenile offenders; amending and renumbering s. 985.225, F.S.; revising a reference and cross-references to conform; creating s. 985.565, F.S., relating to powers, procedures, and alternatives available to the court when sentencing juvenile offenders prosecuted as adults; amending, renumbering, and redesignating provisions of s. 985.233, F.S., that relate to such powers, procedures, and alternatives; revising cross-references to conform; creating s. 985.57, F.S., relating to the transfer of children from the Department of Corrections to the Department of Juvenile Justice; renumbering s. 985.417; creating s. 985.601, F.S., relating to administering the juvenile justice continuum; renumbering provisions of s. 985.404, F.S., that relate to such administration; amending and renumbering s. 985.4043, F.S.; creating s. 985.6015, F.S., relating to the Shared County/State Juvenile Detention Trust Fund; creating s. 985.605, F.S., relating to requirements for prevention service programs; amending and renumbering s. 985.3045, F.S.; revising cross-references to conform; creating s. 985.606, F.S., relating to requirements for agencies and entities providing prevention services; amending and

renumbering s. 985.3046, F.S.; revising a cross-reference to conform; creating s. 985.61, F.S., relating to criteria for early delinquency intervention programs; renumbering s. 985.305, F.S.; creating s. 985.614, F.S., relating to interagency cooperation for children who are locked out of their homes; amending and renumbering s. 985.2066, F.S.; creating s. 985.618, F.S., relating to educational and career-related programs; amending and renumbering s. 985.315, F.S.; revising a cross-reference to conform; creating s. 985.622, F.S., relating to a multiagency plan for vocational education; renumbering s. 985.3155, F.S.; creating s. 985.625, F.S., relating to literacy programs for juvenile offenders; amending and renumbering s. 985.317, F.S.; revising a cross-reference to conform; creating s. 985.629, F.S., relating to contracts for the transfer of Florida children in federal custody; renumbering s. 985.419, F.S.; creating s. 985.632, F.S., relating to quality assurance and cost-effectiveness; renumbering s. 985.412, F.S.; creating s. 985.636, F.S., relating to the Office of the Inspector General within the Department of Juvenile Justice; renumbering s. 985.42, F.S.; creating s. 985.64, F.S., relating to the authority of the Department of Juvenile Justice to adopt rules; amending and renumbering s. 985.405, F.S.; creating s. 985.644, F.S., relating to the contracting powers and the personnel standards and screening requirements of the Department of Juvenile Justice; renumbering a provision of s. 985.01, F.S., that relates to such powers; renumbering s. 985.407, F.S.; creating s. 985.648, F.S., relating to consultants; renumbering s. 985.408, F.S.; creating s. 985.652, F.S., relating to participation of certain juvenile programs in the State Risk Management Trust Fund; renumbering s. 985.409, F.S.; creating s. 985.66, F.S., relating to juvenile justice training academies, the Juvenile Justice Standards and Training Commission, and the Juvenile Justice Trust Fund; amending and renumbering s. 985.406, F.S.; revising a cross-reference to conform; creating s. 985.664, F.S., relating to juvenile justice circuit boards and juvenile justice county councils; amending and renumbering s. 985.4135, F.S.; revising a cross-reference to conform; creating s. 985.668, F.S., relating to innovation zones; renumbering s. 985.416, F.S.; creating s. 985.672, F.S., relating to direct-support organizations; renumbering s. 985.4145, F.S.; creating s. 985.676, F.S., relating to community juvenile justice partnership grants; amending and renumbering s. 985.415, F.S.; revising cross-references to conform; creating s. 985.682, F.S., relating to studies and criteria for siting juvenile facilities; amending and renumbering s. 985.41, F.S.; creating s. 985.686, F.S., relating to shared county and state responsibility for juvenile detention; renumbering s. 985.2155, F.S.; creating s. 985.688, F.S., relating to administering county and municipal delinquency programs and facilities; amending and renumbering s. 985.411, F.S.; revising a cross-reference to conform; creating s. 985.69, F.S., relating to one-time startup funding for juvenile justice purposes; renumbering s. 985.4075, F.S.; creating s. 985.692, F.S., relating to the Juvenile Welfare Trust Fund; renumbering s. 985.4041, F.S.; creating s. 985.694, F.S., relating to the Juvenile Care and Maintenance Trust Fund; renumbering s. 985.4042, F.S.; creating s. 985.701, F.S., relating to prohibiting sexual misconduct, reporting requirements, and penalties; renumbering s. 985.4045, F.S.; creating s. 985.711, F.S., relating to penalties for the introduction, removal, or possession of certain articles; renumbering s. 985.4046, F.S.; creating s. 985.721, F.S., relating to escapes from secure detention or residential commitment facilities; amending and renumbering s. 985.3141, F.S.; revising a cross-reference to conform; creating s. 985.731, F.S., relating to sheltering or aiding unmarried minors; renumbering s. 985.2065, F.S.; creating s. 985.801, F.S., relating to legislative findings, policy, and implementation of the Interstate Compact on Juveniles; renumbering s. 985.501, F.S.; creating s. 985.802, F.S., relating to execution of the interstate compact; renumbering s. 985.502, F.S.; creating s. 985.803, F.S., relating to the administrator of the juvenile compact; renumbering s. 985.503, F.S.; creating s. 985.804, F.S., relating to supplementary agreements to the compact; renumbering s. 985.504, F.S.; creating s. 985.805, F.S., relating to financial arrangements related to the compact; renumbering s. 985.505, F.S.; creating s. 985.806, F.S., relating to the responsibilities of state departments, agencies, and officers; renumbering s. 985.506, F.S.; creating s. 985.807, F.S., relating to procedures in addition to those provided under the compact; renumbering s. 985.507, F.S.; creating s. 985.8025, F.S., relating to the State Council for Interstate Juvenile Offender Supervision; renumbering s. 985.5023, F.S.; repealing ss. 985.215(6), 985.231(1)(b), (c), (f), and (i), and (2) and 985.233(4)(d), F.S.; amending ss. 29.004, 29.008, 253.025, 318.21, 397.334, 400.953, 419.001, 435.04, 790.115, 790.22, 921.0022, 938.10, 943.053, 943.0582, 943.0585, 943.059, 948.51, 958.046, 960.001, 984.03, 984.05, 984.09, 984.226, 1003.52, 1006.08, 1006.13, and 1012.797, F.S.; conforming cross-references; providing an effective date.

—was read the third time by title.

On motion by Senator Wise, **CS for SB 1748** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

The Senate resumed consideration of—

HB 85—A bill to be entitled An act relating to assault or battery; amending s. 784.07, F.S.; providing for reclassification of an assault or battery on a licensed security officer or specified non-sworn law enforcement agency employee; providing applicability; providing an effective date.

—which was previously considered this day. Pending **Amendment 1 (492578)** by Senators Siplin, Hill and Geller was withdrawn.

MOTION

On motion by Senator Siplin, the rules were waived to allow the following amendment to be considered:

Senators Siplin, Hill, Wilson and Geller offered the following amendment which was moved by Senator Siplin and failed to receive the required two-thirds vote:

Amendment 2 (844804)—On line 28, delete “and” and insert: , other than a security officer serving at a retail establishment, who is

On motion by Senator Baker, **HB 85** was passed and certified to the House. The vote on passage was:

Yeas—30

Mr. President	Constantine	Margolis
Alexander	Crist	Peaden
Argenziano	Diaz de la Portilla	Posey
Aronberg	Dockery	Pruitt
Atwater	Fasano	Saunders
Baker	Haridopolos	Sebesta
Bennett	Jones	Smith
Bullard	King	Villalobos
Carlton	Klein	Webster
Clary	Lynn	Wise

Nays—9

Campbell	Hill	Rich
Garcia	Lawson	Siplin
Geller	Miller	Wilson

Vote after roll call:

Yea to Nay—Bullard

CS for CS for SB 2728—A bill to be entitled An act relating to economic development incentives; amending s. 288.1088, F.S.; providing eligibility requirements for the receipt of funds from the Quick Action Closing Fund; authorizing the waiver of certain criteria for projects that

would significantly benefit the economy; providing additional requirements for Enterprise Florida, Inc., in evaluating proposed projects; requiring that a contract for payment from the Quick Action Closing Fund provide that the payment of moneys is contingent upon a sufficient appropriation of funds by the Legislature and upon the release of appropriated funds by the Legislative Budget Commission; deleting provisions authorizing the Governor to reallocate unencumbered funds in the Quick Action Closing Fund to other economic development programs; creating s. 288.1089, F.S.; creating the Innovation Incentive Program within the Office of Tourism, Trade, and Economic Development for certain purposes; providing definitions; providing an incentive-award limitation; providing for award application and eligibility; providing qualification requirements; providing proposal evaluation and recommendations requirements for Enterprise Florida, Inc.; providing for negotiation of award amounts by the office; providing for agreements for payments of certain moneys under certain circumstances; providing criteria for award approval or disapproval; providing for incentive payment agreements; requiring Enterprise Florida, Inc., to assist the office in validating certain business performances; requiring a report to the Governor and Legislature; authorizing the office to allocate certain funds for certain purposes; amending s. 403.973, F.S.; providing for review of possible sites for projects funded under s. 288.1089, F.S.; providing appropriations; effectuating a fund transfer; providing for future expiration of the act; providing an effective date.

—as amended April 26 was read the third time by title.

MOTION

On motion by Senator Fasano, the rules were waived to allow the following amendments to be considered:

Senator Fasano moved the following amendments which were adopted by two-thirds vote:

Amendment 1 (370244)—On page 11, lines 21-31, delete those lines and insert:

b. Result in the creation of at least 500 direct, new jobs if the project is located in a rural area, a brownfield area, or in an enterprise zone.

2. Have an activity or product that is within an industry that is designated as a target industry business under s. 288.106 or in a designated sector under s. 288.108.

3.a. Have a cumulative investment of at least \$500 million within a 5-year period; or

b. Have a cumulative investment that exceeds \$250 million within a 10-year period if the project is located in a rural area, a brownfield area, or in an enterprise zone.

Amendment 2 (104670)(with title amendment)—On page 2, line 18, insert:

Section 1. Section 220.101, Florida Statutes, is amended to read:

220.191 Capital investment tax credit.—

(1) DEFINITIONS.—For purposes of this section:

(a) “Commencement of operations” means the beginning of active operations by a qualifying business of the principal function for which a qualifying project was constructed.

(b) “Cumulative capital investment” means the total capital investment in land, buildings, and equipment made in connection with a qualifying project during the period from the beginning of construction of the project to the commencement of operations.

(c) “Eligible capital costs” means all expenses incurred by a qualifying business in connection with the acquisition, construction, installation, and equipping of a qualifying project during the period from the beginning of construction of the project to the commencement of operations, including, but not limited to:

1. The costs of acquiring, constructing, installing, equipping, and financing a qualifying project, including all obligations incurred for labor and obligations to contractors, subcontractors, builders, and materialmen.

2. The costs of acquiring land or rights to land and any cost incidental thereto, including recording fees.

3. The costs of architectural and engineering services, including test borings, surveys, estimates, plans and specifications, preliminary investigations, environmental mitigation, and supervision of construction, as well as the performance of all duties required by or consequent to the acquisition, construction, installation, and equipping of a qualifying project.

4. The costs associated with the installation of fixtures and equipment; surveys, including archaeological and environmental surveys; site tests and inspections; subsurface site work and excavation; removal of structures, roadways, and other surface obstructions; filling, grading, paving, and provisions for drainage, storm water retention, and installation of utilities, including water, sewer, sewage treatment, gas, electricity, communications, and similar facilities; and offsite construction of utility extensions to the boundaries of the property.

Eligible capital costs shall not include the cost of any property previously owned or leased by the qualifying business.

(d) "Income generated by or arising out of the qualifying project" means the qualifying project's annual taxable income as determined by generally accepted accounting principles and under s. 220.13.

(e) "Jobs" means full-time equivalent positions, as that term is consistent with terms used by the Agency for Workforce Innovation and the United States Department of Labor for purposes of unemployment tax administration and employment estimation, resulting directly from a project in this state. The term does not include temporary construction jobs involved in the construction of the project facility.

(f) "Office" means the Office of Tourism, Trade, and Economic Development.

(g) "Qualifying business" means a business which establishes a qualifying project in this state and which is certified by the office to receive tax credits pursuant to this section.

(h) "Qualifying project" means:

1. A new or expanding facility in this state which creates at least 100 new jobs in this state and is in one of the high-impact sectors identified by Enterprise Florida, Inc., and certified by the office pursuant to s. 288.108(6), including, but not limited to, aviation, aerospace, automotive, and silicon technology industries; or

2. A new or expanded facility in this state which is engaged in a target industry designated pursuant to the procedure specified in s. 288.106(1)(o) and which is induced by this credit to create or retain at least 1,000 jobs in this state, provided that at least 100 of those jobs are new, pay an annual average wage of at least 130 percent of the average private sector wage in the area as defined in s. 288.106(1), and make a cumulative capital investment of at least \$100 million after July 1, 2005. Jobs may be considered retained only if there is significant evidence that the loss of jobs is imminent. Notwithstanding subsection (2), annual credits against the tax imposed by this chapter shall not exceed 50 percent of the increased annual corporate income tax liability or the premium tax liability generated by or arising out of a project qualifying under this subparagraph. A facility that qualifies under this subparagraph for an annual credit against the tax imposed by this chapter may take the tax credit for a period not to exceed 5 years.

3. A new or expanded headquarters facility in this state which locates in an enterprise zone and brownfield area and is induced by this credit to create at least 1,500 jobs which on average pay at least 200 percent of the statewide average annual wage and makes a cumulative capital investment in Florida of at least \$250 million.

(2) An annual credit against the tax imposed by this chapter shall be granted to any qualifying business in an amount equal to 5 percent of the eligible capital costs generated by a qualifying project, for a period not to exceed 20 years beginning with the commencement of operations of the project. The tax credit shall be granted against only the corporate income tax liability or the premium tax liability generated by or arising out of the qualifying project, and the sum of all tax credits provided pursuant to this section shall not exceed 100 percent of the eligible capital costs of the project. In no event may any credit granted under this

section be carried forward or backward by any qualifying business with respect to a subsequent or prior year. The annual tax credit granted under this section shall not exceed the following percentages of the annual corporate income tax liability or the premium tax liability generated by or arising out of a qualifying project:

(a) One hundred percent for a qualifying project which results in a cumulative capital investment of at least \$100 million.

(b) Seventy-five percent for a qualifying project which results in a cumulative capital investment of at least \$50 million but less than \$100 million.

(c) Fifty percent for a qualifying project which results in a cumulative capital investment of at least \$25 million but less than \$50 million.

A qualifying project which results in a cumulative capital investment of less than \$25 million is not eligible for the capital investment tax credit. An insurance company claiming a credit against premium tax liability under this program shall not be required to pay any additional retaliatory tax levied pursuant to s. 624.5091 as a result of claiming such credit. Because credits under this section are available to an insurance company, s. 624.5091 does not limit such credit in any manner.

(3)(a) *Notwithstanding subsection (2), an annual credit against the tax imposed by this chapter shall be granted to a qualifying business which establishes a qualifying project pursuant to sub-paragraph (1)(h)3., in an amount equal to the lesser of \$15 million or 5 percent of the eligible capital costs made in connection with a qualifying project, for a period not to exceed 20 years beginning with the commencement of operations of the project. The tax credit shall be granted against the corporate income tax liability of the qualifying business and as further provided in paragraph (3)(c). The total tax credit provided pursuant to this subsection shall be equal to no more than 100 percent of the eligible capital costs of the qualifying project.*

(b) *If the credit granted under this subsection is not fully used in any one year because of insufficient tax liability on the part of the qualifying business, the unused amount may be carried forward for a period not to exceed 20 years from the commencement of operations of the project. The carryover credit may be used in a subsequent year when the tax imposed by this chapter for that year exceeds the credit for which the qualifying business is eligible in that year under this subsection after applying the other credits and unused carryovers in the order provided by s. 220.02(8).*

(c) *The credit granted under this subsection may be utilized in whole or part by the qualifying business or any corporation that is either a member of that qualifying business's affiliated group of corporations, is a related entity taxable as a cooperative under Subchapter T of the Internal Revenue Code or, if the qualifying business is an entity taxable as a cooperative under Subchapter T of the Internal Revenue Code, is related to the qualifying business. Any entity related to the qualifying business may continue to file as a member of a Florida-nexus consolidated group pursuant to a prior election made under s. 220.131(1), F.S. (1985) even if the parent of the group changes due to a direct or indirect acquisition of the former common parent of the group. Any credit can be used by any of the aforementioned affiliated companies or related entities to the same extent as it could have been used by the qualifying business. However, any such utilization shall not operate to increase the amount of the credit or extend the period within which the credit must be utilized.*

(4)(3) Prior to receiving tax credits pursuant to this section, a qualifying business must achieve and maintain the minimum employment goals beginning with the commencement of operations at a qualifying project and continuing each year thereafter during which tax credits are available pursuant to this section.

(5)(4) The office, upon a recommendation by Enterprise Florida, Inc., shall first certify a business as eligible to receive tax credits pursuant to this section prior to the commencement of operations of a qualifying project, and such certification shall be transmitted to the Department of Revenue. Upon receipt of the certification, the Department of Revenue shall enter into a written agreement with the qualifying business specifying, at a minimum, the method by which income generated by or arising out of the qualifying project will be determined.

(6)(5) The office, in consultation with Enterprise Florida, Inc., is authorized to develop the necessary guidelines and application materials for the certification process described in subsection (4).

(7)(6) It shall be the responsibility of the qualifying business to affirmatively demonstrate to the satisfaction of the Department of Revenue that such business meets the job creation and capital investment requirements of this section.

(8)(7) The Department of Revenue may specify by rule the methods by which a project's pro forma annual taxable income is determined.

And the title is amended as follows:

On page 1, line 3, after the first semicolon (;) insert: amending s. 220.191, F.S.; expanding the definition of qualified project for the Capital Investment Tax Credit; providing alternative credit eligibility criteria;

The vote was:

Yeas—24

Mr. President	Dockery	Posey
Alexander	Fasano	Pruitt
Atwater	Haridopolos	Saunders
Baker	Jones	Sebesta
Bennett	King	Villalobos
Carlton	Lawson	Webster
Clary	Margolis	Wilson
Crist	Peaden	Wise

Nays—8

Aronberg	Geller	Rich
Bullard	Klein	Siplin
Campbell	Miller	

Vote after roll call:

Yea—Argenziano, Constantine, Diaz de la Portilla, Lynn

On motion by Senator Fasano, **CS for CS for SB 2728** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Mr. President	Dockery	Peaden
Alexander	Fasano	Posey
Argenziano	Garcia	Pruitt
Aronberg	Geller	Rich
Atwater	Haridopolos	Saunders
Baker	Hill	Sebesta
Bennett	Jones	Siplin
Campbell	King	Smith
Carlton	Lawson	Villalobos
Clary	Lynn	Webster
Constantine	Margolis	Wilson
Crist	Miller	Wise

Nays—2

Bullard	Klein
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Vote after roll call:

Yea—Diaz de la Portilla

HB 789—A bill to be entitled An act relating to damage prevention and safety for underground facilities; amending s. 556.101, F.S.; providing legislative intent that Sunshine State One-Call of Florida, Inc., is not required or permitted to locate or mark underground facilities; revising purposes of the Underground Facility Damage Prevention and Safety Act; amending s. 556.102, F.S.; correcting a reference; redefining the term "member operator" to remove an exception for a small municipality that elects not to participate in the notification system; amending ss. 556.103 and 556.104, F.S.; deleting provisions exempting a small city from membership in the Sunshine State One-Call of Florida, Inc.; amending s. 556.105, F.S.; requiring that specified information be placed in the excavation notification system; providing an exception for underwater excavations; providing that the information is valid for 30 calendar days; providing for a study of the feasibility of zones where no

notification is required; requiring a report to the Legislature; requiring a notification number assigned to an excavator to be provided to a law enforcement officer, government code inspector, or code enforcement officer upon request; requiring that a member operator respond to the system within a specified time indicating the status of its facility protection operations; requiring the corporation to establish a communication system between member operators and excavators; requiring an excavator to verify the system's positive responses before beginning excavation; requiring operators to use a specified color-code manual; amending s. 556.106, F.S.; providing that the notification system has no duty to and may not mark or locate underground facilities; providing that a person has no right of recovery against the notification system for failing to mark or locate underground facilities; providing that the system is not liable for the failure of a member operator to comply with the requirements of the act; amending s. 556.107, F.S.; correcting cross-references; providing for the distribution of civil penalties; revising procedures for disposition of citations; authorizing the corporation to retain legal counsel to represent the corporation in certain legal proceedings; amending s. 556.108, F.S.; revising provisions that exempt excavation or demolition by the owner of residential property from specified notification requirements to exclude certain property that is subdivided or to be subdivided; providing that certain excavations are exempt from mandatory location notification if mechanized equipment is not used; exempting pest control services under certain circumstances; amending s. 556.111, F.S.; providing that specified applicability provisions do not exempt a local governmental member operator from specified provisions that apply to the member operator; amending s. 337.401, F.S.; correcting a cross-reference; providing an effective date.

—was read the third time by title.

On motion by Senator Villalobos, **HB 789** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

SPECIAL ORDER CALENDAR

THE PRESIDENT PRESIDING

On motion by Senator Pruitt—

CS for SJR 1150—A joint resolution proposing an amendment to Section 1 of Article IX of the State Constitution relating to public education.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SJR 1150** was placed on the calendar of Bills on Third Reading.

On motion by Senator King—

CS for SB 1146—A bill to be entitled An act relating to maximum class size; amending s. 1003.03, F.S.; providing that each teacher assigned to any classroom must be included in the calculation for compliance with constitutional class-size limits; providing criteria for teaching strategies that involve assigning more than one teacher to a classroom; providing for retroactive application; prohibiting the imposition of penalties for the use of any legal strategy relating to the implementation of class-size reduction; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1146** was placed on the calendar of Bills on Third Reading.

On motion by Senator Posey—

SJR 2788—A joint resolution rescinding and withdrawing House Joint Resolution 1177 (2005), which relates to limitations on the number of consecutive years during which certain elected constitutional officers may hold office before being denied the right to have their names appear on the ballot.

—was read the second time by title.

Pursuant to Rule 4.19, **SJR 2788** was placed on the calendar of Bills on Third Reading.

On motion by Senator Haridopolos—

CS for SJR 1158—A joint resolution proposing the creation of Section 19 of Article VII of the State Constitution, relating to a limitation on state appropriations.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SJR 1158** was placed on the calendar of Bills on Third Reading.

On motion by Senator Carlton—

CS for SB 2548—A bill to be entitled An act relating to state financial matters; amending s. 11.243, F.S.; providing for the moneys collected from the sale of the Florida Statutes or other publications to be deposited in a specified trust fund; amending s. 11.513, F.S.; requiring the Chief Justice of the Supreme Court to develop program monitoring plans; requiring that additional data be included in the plans for monitoring major programs of state agencies and the judicial branch and in the reviews of those programs; providing for the Office of Program Policy Analysis and Government Accountability to review agency and judicial branch performance standards and report to the Governor, the Legislature, and the Legislative Budget Commission; amending s. 20.435, F.S.; revising a provision relating to certain undisbursed balances of appropriations from the Biomedical Research Trust Fund; amending s. 215.18, F.S.; requiring that the Governor provide prior notice of transfers between certain funds; amending s. 215.3206, F.S.; replacing references to a 6-digit fund code in the Florida Accounting Information Resource Subsystem with a classification scheme consistent with the Department of Financial Services' financial systems; amending s. 215.3208, F.S.; revising references to conform; amending s. 215.35, F.S.; revising a provision relating to the numbering of warrants issued by the Chief Financial Officer; amending s. 215.422, F.S.; replacing a reference to certain vouchers with the terms "invoice" or "invoices"; clarifying that agencies or the judicial branch must record and approve certain invoices by a specified date; revising provisions relating to the Department of Financial Services' approval of payment of certain invoices; providing that a vendor who does not submit the appropriate federal taxpayer identification documentation to the department will be deemed an error on the part of the vendor; revising references to conform; amending s. 215.97, F.S.; removing a reference to the appropriations act in a provision relating to the purposes of the Florida Single Audit Act; amending s. 216.011, F.S.; revising the definition of "operating capital outlay"; defining the terms "incurred obligation" and "salary rate reserve" for purposes of state fiscal affairs, appropriations, and budgets; amending s. 216.013, F.S.; revising requirements for information regarding performance measures to be included in the long-range program plans of state agencies and the judicial branch; revising a provision relating to making adjustments to long-range program plans; amending s. 216.023, F.S.; revising certain requirements for legislative budget requests; deleting a provision requiring agencies to maintain a certain performance accountability system and provide a list of performance measures; deleting a provision relating to adjustments to executive agency performance standards; deleting a provision relating to adjustments to judicial branch performance standards; amending s. 216.134, F.S.; providing for

the responsibility of presiding over sessions of consensus estimating conferences; providing for the Governor, the coordinator of the Office of Economic and Demographic Research, the President of the Senate, and the Speaker of the House of Representatives to designate principals; amending s. 216.136, F.S.; deleting provisions providing for the appointment of principals of consensus estimating conferences; revising the duties of certain agencies relating to the Criminal Justice Estimating Conference, the Social Services Estimating Conference, and the Workforce Estimating Conference; amending s. 216.177, F.S.; clarifying the circumstances under which the Executive Office of the Governor and the Chief Justice of the Supreme Court are required to provide notice to the chair and vice chair of the Legislative Budget Commission; amending s. 216.181, F.S.; providing that amendments to certain approved operating budgets are subject to objection procedures; requiring that state agencies submit to the chair and vice chair of the Legislative Budget Commission a plan for allocating any lump-sum appropriation in a budget amendment; creating s. 216.1811, F.S.; providing requirements for the Governor and the Chief Financial Officer relating to certain approved operating budgets for the legislative branch and appropriations made to the legislative branch; amending s. 216.1815, F.S.; revising certain requirements for the performance standards included in an amended operating budget plan and request submitted to the Legislative Budget Commission; creating s. 216.1827, F.S.; requiring that each state agency and the judicial branch maintain a performance accountability system; requiring agencies and the judicial branch to submit specified information to the Executive Office of the Governor and the Legislature or the Office of Program Policy Analysis and Government Accountability for review; providing guidelines for requests to delete or amend existing approved performance measures and standards; specifying authority of the Legislature relating to agency and judicial branch performance measures and standards; amending s. 216.251, F.S.; prohibiting an agency from providing salary increases or pay additives for certain positions without legislative authorization; amending s. 216.292, F.S.; providing that certain transfers between budget entities are subject to objection procedures; clarifying provisions authorizing certain transfers of appropriations from trust funds; providing that requirements of specified provisions relating to appropriations being nontransferable do not apply to legislative branch budgets; amending s. 216.301, F.S.; revising the requirements for undisbursed balances of appropriations; revising a procedure for identifying and paying incurred obligations; clarifying requirements governing unexpended balances of appropriations; removing a provision relating to notification to retain certain balances from legislative budget entities; amending s. 252.37, F.S.; providing that a transfer of moneys with a budget amendment following a state of emergency is subject to approval by the Legislative Budget Commission; amending s. 273.02, F.S.; revising a definition; requiring the Chief Financial Officer to establish certain requirements by rule relating to the recording and inventory of certain state-owned property; creating s. 273.025, F.S.; requiring the Chief Financial Officer to establish by rule certain requirements relating to the capitalization of certain property; amending s. 273.055, F.S.; revising responsibility for rules relating to maintaining records as to disposition of state-owned tangible personal property; revising a provision relating to use of moneys received from the disposition of state-owned tangible personal property; amending s. 274.02, F.S.; revising a definition; requiring the Chief Financial Officer to establish by rule requirements relating to the recording and inventory of certain property owned by local governments; amending s. 338.2216, F.S.; revising requirements relating to unexpended funds appropriated or provided for the Florida Turnpike Enterprise; amending s. 1011.57, F.S.; revising requirements relating to unexpended funds appropriated to the Florida School for the Deaf and the Blind; repealing s. 215.29, F.S., relating to the classification of Chief Financial Officer's warrants; providing effective dates.

—was read the second time by title.

Senator Carlton moved the following amendment which was adopted:

Amendment 1 (403618)(with title amendment)—On page 9, lines 20-25, delete those lines and insert: *agency and judicial branch performance measures and standards shall be submitted to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives, and the chair and vice chair of the Legislative Budget Commission. Reports concerning the evaluation and review of the judicial branch performance measures and standards shall be submitted to the Chief Justice of the Supreme Court.*

Section 3. Subsection (2) of section 17.57, Florida Statutes, is amended to read:

17.57 Deposits and investments of state money.—

(2) The Chief Financial Officer shall make funds available to meet the disbursement needs of the state. Funds which are not needed for this purpose shall be placed in qualified public depositories that will pay rates established by the Chief Financial Officer at levels not less than the prevailing rate for United States Treasury securities with a corresponding maturity. In the event money is available for interest-bearing time deposits or savings accounts as provided herein and qualified public depositories are unwilling to accept such money and pay thereon the rates established above, then such money which qualified public depositories are unwilling to accept shall be invested in:

- (a) Direct United States Treasury obligations.
- (b) Obligations of the Federal Farm Credit Banks.
- (c) Obligations of the Federal Home Loan Bank and its district banks.
- (d) Obligations of the Federal Home Loan Mortgage Corporation, including participation certificates.
- (e) Obligations guaranteed by the Government National Mortgage Association.
- (f) Obligations of the Federal National Mortgage Association.
- (g) Commercial paper of prime quality of the highest letter and numerical rating as provided for by at least one nationally recognized rating service.
- (h) Time drafts or bills of exchange drawn on and accepted by a commercial bank, otherwise known as "bankers acceptances," which are accepted by a member bank of the Federal Reserve System having total deposits of not less than \$400 million or which are accepted by a commercial bank which is not a member of the Federal Reserve System with deposits of not less than \$400 million and which is licensed by a state government or the Federal Government, and whose senior debt issues are rated in one of the two highest rating categories by a nationally recognized rating service and which are held in custody by a domestic bank which is a member of the Federal Reserve System.
- (i) Corporate obligations or corporate master notes of any corporation within the United States, if the long-term obligations of such corporation are rated by at least two nationally recognized rating services in any one of the four highest classifications. However, if such obligations are rated by only one nationally recognized rating service, then the obligations shall be rated in any one of the two highest classifications.
- (j) Obligations of the Student Loan Marketing Association.
- (k) Obligations of the Resolution Funding Corporation.
- (l) ~~Asset-backed or~~ Mortgage-backed securities of the highest credit quality.
- (m) *Asset-backed securities rated by at least two nationally recognized rating services in any one of the three highest classifications. However, if such obligations are rated by only one nationally recognized rating service, the obligations must be rated in any one of the two highest classifications.*

(n)~~(m)~~ Any obligations not previously listed which are guaranteed as to principal and interest by the full faith and credit of the United States Government or are obligations of United States agencies or instrumentalities which are rated in the highest category by a nationally recognized rating service.

(o)~~(n)~~ Commingled no-load investment funds or no-load mutual funds in which all securities held by the funds are authorized in this subsection.

(p)~~(o)~~ Money market mutual funds as defined and regulated by the Securities and Exchange Commission.

(q)~~(p)~~ Obligations of state and local governments rated in any of the four highest classifications by at least two nationally recognized rating services. However, if such obligations are rated by only one nationally

recognized rating service, then the obligations shall be rated in any one of the two highest classifications.

~~(q)—Derivatives of investment instruments authorized in paragraphs (a)–(m).~~

(r) Covered put and call options on investment instruments authorized in this subsection for the purpose of hedging transactions by investment managers to mitigate risk or to facilitate portfolio management.

(s) Negotiable certificates of deposit issued by financial institutions whose long-term debt is rated in one of the three highest categories by at least two nationally recognized rating services, the investment in which shall not be prohibited by any provision of chapter 280.

(t) Foreign bonds denominated in United States dollars and registered with the Securities and Exchange Commission for sale in the United States, if the long-term obligations of such issuers are rated by at least two nationally recognized rating services in any one of the four highest classifications. However, if such obligations are rated by only one nationally recognized rating service, the obligations shall be rated in any one of the two highest classifications.

(u) Convertible debt obligations of any corporation domiciled within the United States, if the convertible debt issue is rated by at least two nationally recognized rating services in any one of the four highest classifications. However, if such obligations are rated by only one nationally recognized rating service, then the obligations shall be rated in any one of the two highest classifications.

(v) Securities not otherwise described in this subsection. However, not more than 3 percent of the funds under the control of the Chief Financial Officer shall be invested in securities described in this paragraph.

~~(w) Derivatives of investment instruments authorized in paragraphs (a)–(v).~~

(x) Futures and options on futures, provided the instruments for such purpose are traded on a securities exchange or board of trade regulated by the Securities and Exchange Commission or the Commodity Futures Trading Commission.

These investments may be in varying maturities and may be in book-entry form. Investments made pursuant to this subsection may be under repurchase agreement or reverse repurchase agreement. The Chief Financial Officer may hire registered investment advisers and other consultants to assist in investment management and to pay fees directly from investment earnings. Investment securities, proprietary investment services related to contracts, performance evaluation services, investment-related equipment or software used directly to assist investment trading or investment accounting operations including bond calculators, telereaders, Bloombergs, special program calculators, intercom systems, and software used in accounting, communications, and trading, and advisory and consulting contracts made under this section are exempt from the provisions of chapter 287.

Section 4. Subsection (1) of section 11.151, Florida Statutes, is amended to read:

11.151 Annual legislative appropriation to contingency fund for use of Senate President and House Speaker.—

(1) There is established a legislative contingency fund consisting of ~~\$20,000~~ ~~\$10,000~~ for the President of the Senate and ~~\$20,000~~ ~~\$10,000~~ for the Speaker of the House of Representatives, which amounts shall be set aside annually from moneys appropriated for legislative expense. These funds shall be disbursed by the Chief Financial Officer upon receipt of vouchers authorized by the President of the Senate or the Speaker of the House of Representatives. Such funds may be expended at the unrestricted discretion of the President of the Senate or the Speaker of the House of Representatives in carrying out their official duties during the entire period between the date of their election as such officers at the organizational meeting held pursuant to s. 3(a), Art. III of the State Constitution and the next general election.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 18, following the first semicolon (;) insert: amending s. 17.57, F.S.; expanding the investment authority of the state treasury; amending s. 11.151, F.S.; revising the annual appropriation to a certain legislative contingency fund;

Senator Smith moved the following amendment which was adopted:

Amendment 2 (225740)(with title amendment)—On page 10, between lines 21 and 22, insert:

Section 4. Section 29.008, Florida Statutes, is amended to read:

29.008 County funding of court-related functions.—

(1) Counties are required by s. 14, Art. V of the State Constitution to fund the cost of communications services, existing radio systems, existing multiagency criminal justice information systems, and the cost of construction or lease, maintenance, utilities, and security of facilities for the circuit and county courts, public defenders' offices, state attorneys' offices, guardian ad litem offices, and the offices of the clerks of the circuit and county courts performing court-related functions. For purposes of this section, the term "circuit and county courts" shall include the offices and staffing of the guardian ad litem programs. The county designated under s. 35.05(1) as the headquarters for each appellate district shall fund these costs for the appellate division of the public defender's office in that county. For purposes of implementing these requirements, the term:

(a) "Facility" means reasonable and necessary buildings and office space and appurtenant equipment and furnishings, structures, real estate, easements, and related interests in real estate, including, but not limited to, those for the purpose of housing legal materials for use by the general public and personnel, equipment, or functions of the circuit or county courts, public defenders' offices, state attorneys' offices, and court-related functions of the office of the clerks of the circuit and county courts and all storage. The term "facility" includes all wiring necessary for court reporting services. The term also includes access to parking for such facilities in connection with such court-related functions that may be available free or from a private provider or a local government for a fee. The office space provided by a county may not be less than the standards for space allotment adopted by the Department of Management Services, except this requirement applies only to facilities that are leased, or on which construction commences, after June 30, 2003. County funding must include physical modifications and improvements to all facilities as are required for compliance with the Americans with Disabilities Act. Upon mutual agreement of a county and the affected entity in this paragraph, the office space provided by the county may vary from the standards for space allotment adopted by the Department of Management Services.

1. As of July 1, 2005, equipment and furnishings shall be limited to that appropriate and customary for courtrooms, hearing rooms, jury facilities, and other public areas in courthouses and any other facility occupied by the courts, state attorneys, and public defenders. Court reporting equipment in these areas or facilities is not a responsibility of the county.

2. Equipment and furnishings under this paragraph in existence and owned by counties on July 1, 2005, except for that in the possession of the clerks, for areas other than courtrooms, hearing rooms, jury facilities, and other public areas in courthouses and any other facility occupied by the courts, state attorneys, and public defenders, shall be transferred to the state at no charge. This provision does not apply to any communication services as defined in paragraph (f).

(b) "Construction or lease" includes, but is not limited to, all reasonable and necessary costs of the acquisition or lease of facilities for all judicial officers, staff, jurors, volunteers of a tenant agency, and the public for the circuit and county courts, the public defenders' offices, state attorneys' offices, and for performing the court-related functions of the offices of the clerks of the circuit and county courts. This includes expenses related to financing such facilities and the existing and future cost and bonded indebtedness associated with placing the facilities in use.

(c) "Maintenance" includes, but is not limited to, all reasonable and necessary costs of custodial and groundskeeping services and renovation and reconstruction as needed to accommodate functions for the circuit and county courts, the public defenders' offices, and state attorneys'

offices and for performing the court-related functions of the offices of the clerks of the circuit and county court and for maintaining the facilities in a condition appropriate and safe for the use intended.

(d) "Utilities" means all electricity services for light, heat, and power; natural or manufactured gas services for light, heat, and power; water and wastewater services and systems, stormwater or runoff services and systems, sewer services and systems, all costs or fees associated with these services and systems, and any costs or fees associated with the mitigation of environmental impacts directly related to the facility.

(e) "Security" includes but is not limited to, all reasonable and necessary costs of services of law enforcement officers or licensed security guards and all electronic, cellular, or digital monitoring and screening devices necessary to ensure the safety and security of all persons visiting or working in a facility; to provide for security of the facility, including protection of property owned by the county or the state; and for security of prisoners brought to any facility. This includes bailiffs while providing courtroom and other security for each judge and other quasi-judicial officers.

(f) "Communications services" are defined as any reasonable and necessary transmission, emission, and reception of signs, signals, writings, images, and sounds of intelligence of any nature by wire, radio, optical, audio equipment, or other electromagnetic systems and includes all facilities and equipment owned, leased, or used by judges, clerks, public defenders, state attorneys, and all staff of the state courts system, state attorneys' offices, public defenders' offices, and clerks of the circuit and county courts performing court-related functions. Such system or services shall include, but not be limited to:

1. Telephone system infrastructure, including computer lines, telephone switching equipment, and maintenance, and facsimile equipment, wireless communications, cellular telephones, pagers, and video teleconferencing equipment and line charges. Each county shall continue to provide access to a local carrier for local and long distance service and shall pay toll charges for local and long distance service.

2. All computer networks, systems and equipment, including computer hardware and software, modems, printers, wiring, network connections, maintenance, support staff or services including any county-funded support staff located in the offices of the circuit court, county courts, state attorneys, and public defenders, training, supplies, and line charges necessary for an integrated computer system to support the operations and management of the state courts system, the offices of the public defenders, the offices of the state attorneys, and the offices of the clerks of the circuit and county courts and the capability to connect those entities and reporting data to the state as required for the transmission of revenue, performance accountability, case management, data collection, budgeting, and auditing purposes. The integrated computer system shall be operational by July 1, 2006, and, at a minimum, permit the exchange of financial, performance accountability, case management, case disposition, and other data across multiple state and county information systems involving multiple users at both the state level and within each judicial circuit and be able to electronically exchange judicial case background data, sentencing scoresheets, and video evidence information stored in integrated case management systems over secure networks. Once the integrated system becomes operational, counties may reject requests to purchase communication services included in this subparagraph not in compliance with standards, protocols, or processes adopted by the board established pursuant to s. 29.0086.

3. Courier messenger and subpoena services.

4. Auxiliary aids and services for qualified individuals with a disability which are necessary to ensure access to the courts. Such auxiliary aids and services include, but are not limited to, sign language interpretation services required under the federal Americans with Disabilities Act other than services required to satisfy due-process requirements and identified as a state funding responsibility pursuant to ss. 29.004, 29.005, 29.006, and 29.007, real-time transcription services for individuals who are hearing impaired, and assistive listening devices and the equipment necessary to implement such accommodations.

(g) "Existing radio systems" includes, but is not limited to, law enforcement radio systems that are used by the circuit and county courts, the offices of the public defenders, the offices of the state attorneys, and for court-related functions of the offices of the clerks of the circuit and county courts. This includes radio systems that were operational or

under contract at the time Revision No. 7, 1998, to Art. V of the State Constitution was adopted and any enhancements made thereafter, the maintenance of those systems, and the personnel and supplies necessary for operation.

(h) "Existing multiagency criminal justice information systems" includes, but is not limited to, those components of the multiagency criminal justice information system as defined in s. 943.045, supporting the offices of the circuit or county courts, the public defenders' offices, the state attorneys' offices, or those portions of the offices of the clerks of the circuit and county courts performing court-related functions that are used to carry out the court-related activities of those entities. This includes upgrades and maintenance of the current equipment, maintenance and upgrades of supporting technology infrastructure and associated staff, and services and expenses to assure continued information sharing and reporting of information to the state. The counties shall also provide additional information technology services, hardware, and software as needed for new judges and staff of the state courts system, state attorneys' offices, public defenders' offices, and the offices of the clerks of the circuit and county courts performing court-related functions.

(2) Counties shall pay reasonable and necessary salaries, costs, and expenses of the state courts system, including associated staff and expenses, to meet local requirements.

(a) Local requirements are those specialized programs, nonjudicial staff, and other expenses associated with specialized court programs, specialized prosecution needs, specialized defense needs, or resources required of a local jurisdiction as a result of special factors or circumstances. Local requirements exist:

1. When imposed pursuant to an express statutory directive, based on such factors as provided in paragraph (b); or

2. When:

a. The county has enacted an ordinance, adopted a local program, or funded activities with a financial or operational impact on the circuit or a county within the circuit; or

b. Circumstances in a given circuit or county result in or necessitate implementation of specialized programs, the provision of nonjudicial staff and expenses to specialized court programs, special prosecution needs, specialized defense needs, or the commitment of resources to the court's jurisdiction.

(b) Factors and circumstances resulting in the establishment of a local requirement include, but are not limited to:

1. Geographic factors;
2. Demographic factors;
3. Labor market forces;
4. The number and location of court facilities; or
5. The volume, severity, complexity, or mix of court cases.

(c) Local requirements under subparagraph (a)2. must be determined by the following method:

1. The chief judge of the circuit, in conjunction with the state attorney and the public defender only on matters that impact their offices, shall identify all local requirements within the circuit or within each county in the circuit and shall identify the reasonable and necessary salaries, costs, and expenses to meet these local requirements.

2. On or before June 1 of each year, the chief judge shall submit to the board of county commissioners a tentative budget request for local requirements for the ensuing fiscal year. The tentative budget must certify a listing of all local requirements and the reasonable and necessary salaries, costs, and expenses for each local requirement. The board of county commissioners may, by resolution, require the certification to be submitted earlier.

3. The board of county commissioners shall thereafter treat the certification in accordance with the county's budgetary procedures. A board of county commissioners may:

a. Determine whether to provide funding, and to what extent it will provide funding, for salaries, costs, and expenses under this section;

b. Require a county finance officer to conduct a preaudit review of any county funds provided under this section prior to disbursement;

c. Require review or audit of funds expended under this section by the appropriate county office; and

d. Provide additional financial support for the courts system, state attorneys, or public defenders.

(d) Counties may satisfy these requirements by entering into interlocal agreements for the collective funding of these reasonable and necessary salaries, costs, and expenses.

(3) The following shall be considered a local requirement pursuant to subparagraph (2)(a)1.:

(a) Legal aid programs, which shall be funded at a level equal to or greater than the amount provided from filing fees and surcharges to legal aid programs from October 1, 2002, to September 30, 2003.

(b) Alternative sanctions coordinators pursuant to ss. 984.09 and 985.216.

(4)(a) *The Department of Financial Services shall review county expenditure reports required under s. 29.0085 for the purpose of ensuring that counties fulfill the responsibilities of this section. The department shall compare county fiscal reports to determine if expenditures for the items specified in paragraphs (1)(a), (b), (c), (d), (e), (f), (g), and (h) and subsection (3) have increased by 1.5 percent over the prior county fiscal year. The initial review must compare county fiscal year 2005-2006 to county fiscal year 2004-2005. If the department finds that expenditures for the items specified in paragraphs (1)(a), (b), (c), (d), (e), (f), (g), and (h) and subsection (3) have not increased by 1.5 percent over the prior county fiscal year, the department shall notify the President of the Senate and the Speaker of the House of Representatives and the respective county. The Legislature may determine that a county has met its obligations for items specified in this section if the prior county fiscal year included nonrecurring expenditures for facilities or information technology that is not needed in the next county fiscal year or expenditures or actions that enable a county to attain efficiencies in providing services to the court system. The Legislature may direct the Department of Revenue to withhold revenue-sharing receipts distributed pursuant to part II of chapter 218, except for revenues used for paying the principal or interest on bonds, tax anticipation certificates, or any other form of indebtedness allowed under s. 218.25(1), (2), or (4), from any county that is not in compliance with the funding obligations in this section by an amount equal to the difference between the amount spent and the amount that would have been spent had the county increased expenditures by 1.5 percent per year. Except for revenues used for the payment of principal or interest on bonds, tax anticipation certificates, or any other form of indebtedness as allowed under s. 218.25(1), (2), or (4), the Department of Revenue shall withhold revenue-sharing receipts distributed pursuant to part II of chapter 218 from any county not in compliance with the county funding obligations for items specified in paragraphs (1)(a), (c), (d), (e), (f), (g), and (h) and subsection (3). The department shall withhold an amount equal to the difference between the amount spent by the county for the particular item in county fiscal year 2002-2003, the base year, plus 3 percent, and the amount budgeted by the county for these obligations in county fiscal year 2004-2005, if the latter is less than the former. Every year thereafter, the department shall withhold such an amount if the amount budgeted in that year is less than the base year plus 1.5 percent growth per year. On or before December 31, 2004, counties shall send to the department a certified copy of their budget documents for the respective 2 years, separately identifying expenditure amounts for each county funding obligation specified in paragraphs (1)(a), (c), (d), (e), (f), (g), and (h) and subsection (3). Each year thereafter, on or before December 31 of that year, each county shall send a certified copy of its budget document to the department.*

(b) Beginning in fiscal year 2005-2006, additional amounts shall be withheld pursuant to paragraph (a), if the amount spent in the previous fiscal year on the items specified in paragraphs (1)(a), (c), (d), (e), (f), (g), and (h), and subsection (3) is less than the amount budgeted for those items. Each county shall certify expenditures for these county obligations for the prior fiscal year to the department within 90 days after the end of the fiscal year.

(b)(e) The department shall transfer the withheld payments to the General Revenue Fund by March 31 of each year *for the previous county fiscal year*. These payments are hereby appropriated to the Department of Revenue to pay for these responsibilities on behalf of the county.

Section 5. *The amendments made by this act to s. 29.008(4), Florida Statutes, apply retroactively to July 1, 2004.*

Section 6. Section 29.0085, Florida Statutes, is amended to read:

29.0085 Annual statement of certain revenues and expenditures.—

(1) Each county shall submit annually to the Chief Financial Officer a statement of revenues and expenditures as set forth in this section in the form and manner prescribed by the Chief Financial Officer in consultation with the Legislative Committee on Intergovernmental Relations, provided that such statement identify total county expenditures on each of the services outlined in s. 29.008.

(2)(a) Within 4 6 months of the close of the local government fiscal year, each county shall submit to the Chief Financial Officer a statement of compliance from its independent certified public accountant, engaged pursuant to s. 218.39, that the certified statement of expenditures was in accordance with s. 29.008 and this section. All discrepancies noted by the independent certified public accountant shall be included in the statement furnished by the county to the Chief Financial Officer.

(b) If the Chief Financial Officer determines that additional auditing procedures are appropriate because:

1. The county failed to submit timely its annual statement;
2. Discrepancies were noted by the independent certified public accountant; or
3. The county failed to file before *January March* 31 of each year the certified public accountant statement of compliance, the Chief Financial Officer may send his or her personnel or contract for services to bring the county into compliance. The costs incurred by the Chief Financial Officer shall be paid promptly by the county upon certification by the Chief Financial Officer.

(c) Where the Chief Financial Officer elects to utilize the services of an independent contractor, such certification by the Chief Financial Officer may require the county to make direct payment to a contractor. Any funds owed by a county in such matters shall be recovered pursuant to s. 17.04 or s. 17.041.

(3) The Chief Financial Officer shall adopt any rules necessary to implement his or her responsibilities pursuant to this section.

And the title is amended as follows:

On page 1, line 21, after the first semicolon (;) insert: amending s. 29.008, F.S.; requiring that the Department of Financial Services review county expenditure reports in order to determine if county expenditures have increased by a specified percentage for certain court-related functions; requiring that the department notify the Legislature and the respective county if a county fails to meet its funding obligations; providing for the Department of Revenue to withhold revenue-sharing receipts under certain circumstances upon the direction of the Legislature; providing that a county has met its funding obligations in certain circumstances; providing for retroactive application; amending s. 29.0085, F.S.; revising the due date of an annual statement of county revenues and expenditures;

Senator Carlton moved the following amendments which were adopted:

Amendment 3 (642662)(with title amendment)—On page 19, line 12 through page 20, line 2, delete those lines and insert:

Section 10. Effective upon this act becoming a law, paragraphs (bb) and (ss) of subsection (1) of section 216.011, Florida Statutes, are amended, and paragraphs (tt) and (uu) are added to that subsection, to read:

216.011 Definitions.—

(1) For the purpose of fiscal affairs of the state, appropriations acts, legislative budgets, and approved budgets, each of the following terms has the meaning indicated:

(bb) “Operating capital outlay” means the appropriation category used to fund equipment, fixtures, and other tangible personal property of a nonconsumable and nonexpendable nature *under s. 273.025, according to the value or cost specified in s. 273.02.*

(ss) “Qualified expenditure category” means the appropriations category used to fund specific activities and projects which must be transferred to one or more appropriation categories for expenditure upon recommendation by the Governor or Chief Justice, as appropriate, and subject to approval by the Legislative Budget Commission. *The Legislature by law may provide that a specific portion of the funds appropriated in this category be transferred to one or more appropriation categories without approval by the commission and may provide that requirements or contingencies be satisfied prior to the transfer.*

(tt) “Incurred obligation” means a legal obligation for goods or services that have been contracted for, referred to as an encumbrance in the state’s financial system, or received or incurred by the state and referred to as a payable in the state’s financial system.

(uu) “Salary rate reserve” means the withholding of a portion of the annual salary rate for a specific purpose.

Section 11. Paragraph (o) is added to subsection (8) of section 215.97, Florida Statutes, to read:

215.97 Florida Single Audit Act.—

(8) Each recipient or subrecipient of state financial assistance shall comply with the following:

(o) A contract involving the State University System or the Florida Community College System funded by state financial assistance may be in the form of:

1. A fixed-price contract that entitles the provider to receive full compensation for the fixed contract amount upon completion of all contract deliverables;
2. A fixed-rate-per-unit contract that entitles the provider to receive compensation for each contract deliverable provided;
3. A cost-reimbursable contract that entitles the provider to receive compensation for actual allowable costs incurred in performing contract deliverables; or
4. A combination of the contract forms described in subparagraphs 1., 2., and 3.

Section 12. *Section 216.346, Florida Statutes, as amended by section 7 of chapter 2005-358, Laws of Florida, is repealed.*

Section 13. Subsection (4) of section 215.559, Florida Statutes, is amended to read:

215.559 Hurricane Loss Mitigation Program.—

(4) Forty percent of the total appropriation in paragraph (2)(a) shall be used to inspect and improve tie-downs for mobile homes. Within 30 days after the effective date of that appropriation, the department shall contract with a public higher educational institution in this state which has previous experience in administering the programs set forth in this subsection to serve as the administrative entity and fiscal agent ~~pursuant to s. 216.346~~ for the purpose of administering the programs set forth in this subsection in accordance with established policy and procedures. The administrative entity working with the advisory council set up under subsection (6) shall develop a list of mobile home parks and counties that may be eligible to participate in the tie-down program.

Section 14. Subsection (5) of section 331.368, Florida Statutes, is amended to read:

331.368 Florida Space Research Institute.—

(5) ~~For the purposes of contracts and grants, s. 216.346 shall apply to the institute’s programs with state universities and community colleges.~~

Section 15. Paragraph (c) of subsection (2) of section 443.1316, Florida Statutes, is amended to read:

443.1316 Unemployment tax collection services; interagency agreement.—

(2)

(c) ~~Notwithstanding s. 216.346,~~ The Department of Revenue may charge no more than 10 percent of the total cost of the interagency agreement for the overhead or indirect costs, or for any other costs not required for the payment of the direct costs, of providing unemployment tax collection services.

Section 16. Paragraph (c) of subsection (9) of section 1002.32, Florida Statutes, is amended to read:

1002.32 Developmental research (laboratory) schools.—

(9) FUNDING.—Funding for a lab school, including a charter lab school, shall be provided as follows:

(c) All operating funds provided under this section shall be deposited in a Lab School Trust Fund and shall be expended for the purposes of this section. The university assigned a lab school shall be the fiscal agent for these funds, and all rules of the university governing the budgeting and expenditure of state funds shall apply to these funds unless otherwise provided by law or rule of the State Board of Education. The university board of trustees shall be the public employer of lab school personnel for collective bargaining purposes for lab schools in operation prior to the 2002-2003 fiscal year. Employees of charter lab schools authorized prior to June 1, 2003, but not in operation prior to the 2002-2003 fiscal year shall be employees of the entity holding the charter and must comply with the provisions of s. 1002.33(12). ~~Lab schools are not subject to the payment of overhead or indirect costs as described in s. 216.346.~~

Section 17. *Section 255.258, Florida Statutes, is repealed.*

Section 18. Subsection (5) is added to section 287.063, Florida Statutes, to read:

287.063 Deferred-payment commodity contracts; preaudit review.—

(5) *For purposes of this section, any such deferred payment commodity contract must be supported from available recurring funds appropriated to the agency in an appropriation category, other than the expense appropriation category as defined in chapter 216, that the Chief Financial Officer has determined is appropriate or that the Legislature has designated for payment of the obligation incurred under this section.*

Section 19. Subsection (11) is added to section 287.064, Florida Statutes, to read:

287.064 Consolidated financing of deferred-payment purchases.—

(11) *For purposes of consolidated financing of deferred payment commodity contracts under this section by a state agency, any such contract must be supported from available recurring funds appropriated to the agency in an appropriation category, other than the expense appropriation category as defined in chapter 216, that the Chief Financial Officer has determined is appropriate or that the Legislature has designated for payment of the obligation incurred under this section.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, lines 19-22, delete those lines and insert: the definition of “operating capital outlay” and “qualified expenditure category”; defining the terms “incurred obligation” and “salary rate reserve” for purposes of state fiscal affairs, appropriations, and budgets; amending s. 215.97, F.S.; prescribing forms of payment that may be included in certain contracts involving the State University System or the Florida Community College System; repealing s. 216.346, F.S., relating to contracts between state agencies; amending ss. 215.559, 331.368, 443.1316, 1002.32, F.S., to conform to the repeal of s. 216.346, F.S.; repealing s. 255.258, F.S., relating to shared savings financing of energy conservation in state-owned buildings; amending ss. 287.063, 287.064, F.S.; revising requirements for consolidated financing of deferred payment commodity contracts;

Amendment 4 (970358)—On page 22, between lines 22 and 23, insert: *9. Supporting information for any proposed consolidated financing of deferred-payment commodity contracts including guaranteed energy performance savings contracts. Supporting information must also include narrative describing and justifying the need, baseline for current costs, estimated cost savings, projected equipment purchases, estimated contract costs, and return on investment calculation.*

Amendment 5 (042502)—On page 40, lines 5 and 6, delete those lines and insert: *historical baseline and performance data pursuant to s. 216.013.*

Amendment 6 (640492)—On page 40, lines 26 and 27; and on page 41, lines 15 and 16, delete “Executive Office of the Governor” and insert: *Legislature*

Amendment 7 (512648)—On page 43, line 30, delete “procedures” and insert: *principles*

Amendment 8 (850718)—On page 44, line 5, delete “or the legislative”

Pursuant to Rule 4.19, **CS for SB 2548** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Baker, by two-thirds vote **HB 7259** was withdrawn from the Committee on Judiciary.

On motion by Senator Baker—

HB 7259—A bill to be entitled An act relating to class action lawsuits; providing requirements for capacity to file a class action; limiting actions to Florida residents; providing exceptions; eliminating private class action recovery of statutory penalties in certain actions unless actual damages are alleged and proven; providing that the Attorney General’s ability to seek statutory penalties is not affected; providing for availability of nonmonetary relief; providing no effect on class action lawsuits involving civil rights laws; providing an effective date.

—a companion measure, was substituted for **CS for SB 2304** and read the second time by title.

Pursuant to Rule 4.19, **HB 7259** was placed on the calendar of Bills on Third Reading.

On motion by Senator Alexander—

CS for CS for SB 994—A bill to be entitled An act relating to citrus; amending s. 193.461, F.S.; providing that certain lands are classified as agricultural lands for the duration of certain successor programs; amending s. 581.184, F.S.; requiring the Department of Agriculture and Consumer Services to implement a citrus health plan for certain purposes; eliminating the authority of the department to remove and destroy certain citrus trees; deleting definitions and provisions relating to immediate final orders, notice to property owners, rulemaking authority, and the posting of certain orders, to conform; requiring certain law enforcement officers to maintain order under certain circumstances involving the citrus canker disease management process; creating s. 581.1843, F.S.; making it unlawful to propagate certain citrus nursery stock on or after January 1, 2007, at sites and under certain conditions not approved by the department; providing exceptions; providing rulemaking authority; specifying regulation of certain varieties of citrus plants; providing exceptions; requiring the department to establish certain regulated areas around commercial citrus nurseries; providing exceptions; providing for notice to property owners by immediate final order prior to removal of certain citrus trees; providing an appeal process for an immediate final order; providing for preemption to the state to regulate the removal and destruction of certain citrus plants; requiring the department to relocate certain trees to certain locations; amending s. 581.1845, F.S., relating to compensation to homeowners whose trees have been removed; clarifying that such compensation is subject to appropriation; requiring that certain compensation claims be filed by December 31, 2007; providing for the expiration of compensation claims not filed prior to January 1, 2008; amending ss. 120.80, 348.0008, 933.02, and 933.40, F.S.; deleting provisions and cross-references, to conform; providing appropriations; amending s. 601.15, F.S.; clarifying provisions

relating to the excise tax on citrus; establishing maximum rates and providing procedures by which the Florida Citrus Commission may set rates lower than the maximums; providing an effective date.

—was read the second time by title.

Senator Alexander moved the following amendments which were adopted:

Amendment 1 (904668)—On page 9, line 31 through page 10, line 2, delete those lines and insert: *10 miles from any commercial citrus grove.*

Amendment 2 (534352)(with title amendment)—On page 13, line 25 through page 14, line 2, delete those lines and insert:

Section 9. *The sum of \$10,021,986 is appropriated from the Agricultural Emergency Eradication Trust Fund and the sum of \$16,706,310 is appropriated from the Contracts and Grants Trust Fund to the Department of Agriculture and Consumer Services for the 2006-2007 fiscal year for the purpose of implementing the provisions of s. 581.184, Florida Statutes. These funds are appropriated in a qualified expenditure category. After adopting the citrus health plan, as specified in s. 581.184, Florida Statutes, the department may submit a budget amendment pursuant to s. 216.181, Florida Statutes, to transfer budget authority to the appropriate operating categories. The department's justification must include, but need not be limited to, a 3-year revenue and expenditure outlook of the levels of participation and commitment anticipated by federal, state, and local governments and by the citrus industry. Expenditure forecast data must include categories of, and justification for, each proposed expenditure.*

And the title is amended as follows:

On page 2, line 15, after the first semicolon (;) insert: *authorizing the department to submit a budget amendment and providing requirements therefor;*

Amendment 3 (060748)—On page 18, line 22, after the period (.) insert: *If the commission cannot agree on a box tax rate, the tax rate for the previous year shall remain in effect until the commission approves a new rate.*

Pursuant to Rule 4.19, **CS for CS for SB 994** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Miller—

CS for SB 642—A bill to be entitled An act relating to the Lead Poisoning Prevention Screening and Education Act; providing a short title; providing legislative findings; providing definitions; providing for the establishment of a statewide comprehensive educational program on lead poisoning prevention; providing for a public information initiative; providing for distribution of literature about childhood lead poisoning; requiring the establishment of a screening program for early identification of persons at risk of elevated levels of lead in the blood; providing for screening of children; providing for prioritization of screening; providing for the maintenance of records of screenings; providing for reporting of cases of lead poisoning; providing an appropriation; providing contingencies for implementing the educational program under the act; providing effective dates.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 642** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for CS for SB 888** was deferred.

On motion by Senator Lynn, by two-thirds vote **HB 175** was withdrawn from the Committees on Children and Families; Judiciary; Criminal Justice; and Justice Appropriations.

On motion by Senator Lynn—

HB 175—A bill to be entitled An act relating to drug court programs; providing a short title; amending s. 39.001, F.S.; providing additional legislative purposes and intent with respect to the treatment of substance abuse, including the use of the drug court program model; authorizing the court to require certain persons to undergo treatment following adjudication; amending s. 39.407, F.S.; authorizing the court to order specified persons to submit to a substance abuse assessment or evaluation upon a showing of good cause in connection with a shelter petition or petition for dependency; amending ss. 39.507 and 39.521, F.S.; authorizing the court to order specified persons to submit to a substance abuse assessment as part of an adjudicatory order or pursuant to a disposition hearing; requiring a showing of good cause; authorizing the court to require participation in a treatment-based drug court program; authorizing the court to impose sanctions for noncompliance; amending s. 397.334, F.S.; revising legislative intent with respect to treatment-based drug court programs to reflect participation by community support agencies, the Department of Education, and other individuals; including postadjudicatory programs as part of treatment-based drug court programs; providing requirements and sanctions, including treatment by specified licensed service providers, jail-based treatment, secure detention, or incarceration, for the coordinated strategy developed by the drug court team to encourage participant compliance; requiring each judicial circuit to establish a position for a coordinator of the treatment-based drug court program, subject to annual appropriation by the Legislature; authorizing the chief judge of each judicial circuit to appoint an advisory committee for the treatment-based drug court program; providing for membership of the committee; revising language with respect to an annual report; amending s. 910.035, F.S.; revising language with respect to conditions for the transfer of a case in the drug court treatment program to a county other than that in which the charge arose; amending ss. 948.08, 948.16, and 985.306, F.S., relating to felony, misdemeanor, and delinquency pretrial substance abuse education and treatment intervention programs; providing for application of the coordinated strategy developed by the drug court team; providing for expungement of certain records and pleas; removing provisions authorizing appointment of an advisory committee, to conform to changes made by the act; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for CS for SB's 114 and 444** and read the second time by title.

Pursuant to Rule 4.19, **HB 175** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 502** was deferred.

On motion by Senator Constantine—

CS for CS for SB 1774—A bill to be entitled An act relating to building codes; authorizing the Florida Building Commission to update and modify the standard for wind design; expressly superseding a provision; amending s. 399.15, F.S.; revising the dates by which the elevators in certain buildings must be keyed to allow regional emergency elevator access; amending s. 553.71, F.S.; deleting the definition of “exposure category C”; amending s. 553.73, F.S.; authorizing the Florida Building Commission to adopt certain limited amendments to the Florida Building Code pursuant to rule adoption procedures for certain purposes after triennial updates; authorizing authorities to enforce such amendments; specifying amendment criteria; amending s. 553.775, F.S.; prohibiting certain procedures from being invoked to interpret or review the Florida Accessibility Code for Building Construction and chapter 11 of the Florida Building Code; amending s. 553.791, F.S.; providing for the use of private providers of building code inspection services under certain circumstances; amending s. 633.0215, F.S.; authorizing the State Fire Marshal to adopt certain limited amendments of the Florida Fire Prevention Code pursuant to rule adoption procedures for certain purposes after triennial updates; authorizing authorities to enforce such amendments; specifying amendment criteria; deleting a provision authorizing approval of certain technical amendments to the Florida Fire Prevention Code, notwithstanding the 3-year update cycle; amending s. 633.021, F.S.; defining the term “fire hydrant” for the purpose of the Florida Fire Prevention Code; amending s. 633.082, F.S.; providing for the inspection of fire hydrants by the State Fire Marshal; requiring that each fire hydrant be opened fully at least once each year to clear foreign materials in the system; providing that a fire hydrant made nonfunctional by the

closing of a water supply valve must immediately be tagged with a red tag that is boldly marked “nonfunctional”; repealing s. 633.5391, F.S., relating to backflow prevention assembly inspection; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1774** was placed on the calendar of Bills on Third Reading.

On motion by Senator Baker, by two-thirds vote **HB 125** was withdrawn from the Committees on Environmental Preservation; Ethics and Elections; and Transportation and Economic Development Appropriations.

On motion by Senator Baker—

HB 125—A bill to be entitled An act relating to voter registration; creating s. 97.05831, F.S.; requiring the supervisor of elections of each county to send voter registration applications to the Fish and Wildlife Commission and its subagents; amending s. 372.561, F.S.; requiring voter registration applications to be displayed at each location where hunting, fishing, or trapping licenses or permits are sold; requiring that applicants for hunting, fishing, or trapping licenses or permits be asked if they would like a voter registration application; requiring certain information to be provided when a person applies for a hunting, fishing, or trapping license or permit on the Internet; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 208** and read the second time by title.

Pursuant to Rule 4.19, **HB 125** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett, by two-thirds vote **HB 271** was withdrawn from the Committees on Criminal Justice; Judiciary; and Justice Appropriations.

On motion by Senator Bennett—

HB 271—A bill to be entitled An act relating to arrests and arrestees; amending s. 907.04, F.S.; providing that arrestees in the custody of the Department of Corrections at the time of arrest be retained in the department’s custody pending disposition of the charge or until the expiration of the arrestee’s original sentence of imprisonment; requiring application of specified provisions if an arrested state prisoner’s presence is required in court; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 688** and read the second time by title.

Pursuant to Rule 4.19, **HB 271** was placed on the calendar of Bills on Third Reading.

On motion by Senator Alexander—

CS for CS for SB 980—A bill to be entitled An act relating to electric transmission and distribution; creating s. 163.3208, F.S.; providing legislative intent; defining the term “distribution electric substation”; providing criteria for adoption and enforcement by a local government of land development regulations for new electric substations; providing that new substations are a permitted use in all land use categories and zoning districts within a utility’s service territory; providing for exceptions; providing standards which apply if a local government does not adopt reasonable standards for substation siting; providing for approval of an application for development of a proposed distribution electric substation when the application demonstrates that the design is consistent with the local government’s applicable standards; providing alternative procedures for site approval; providing for application of certain local siting standards to applications received after public notice of the adoption hearing on those standards; providing a timeframe and procedures for a local government to approve or deny an application for an electric substation; providing that the application is deemed approved if not acted on within the timeframe; providing for waiver of timeframes; authorizing the local government to establish timeframes for certain

required information to be furnished; creating s. 163.3209, F.S.; prohibiting local governments from requiring any permits or approvals for certain vegetation maintenance in an established electric transmission or distribution line right-of-way; defining the term “vegetation maintenance and tree pruning or trimming”; providing for a utility to give notice to the local government before conducting such vegetation-maintenance activities; providing for exceptions; requiring the utility to provide its vegetation-maintenance plan to the local government and discuss it with the local government; specifying standards for vegetation maintenance and tree pruning or trimming conducted by utilities; providing for supervision of vegetation maintenance and tree pruning or trimming activities; limiting the height and clearance distance of vegetation that may be required by a local government in an established right-of-way of certain lines; providing for application and construction with respect to local franchise authority and ordinances or regulations governing planting, pruning, trimming, or removal of certain trees; providing for application when a local government adopts a described plan for vegetation maintenance, tree pruning, tree removal, and tree trimming within established rights-of-way; providing that vegetation maintenance costs be considered recoverable; creating s. 186.0201, F.S.; requiring electric utilities to notify the regional planning council of plans to site electric substations; providing for content of the notification; requiring that the information be included in the regional planning council’s annual report and supplied to local governments under certain conditions; amending s. 186.513, F.S.; correcting a reference to a specified agency; providing for application to the Florida Electrical Power Plant Siting Act; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 980** was placed on the calendar of Bills on Third Reading.

On motion by Senator Baker, by two-thirds vote **HB 1533** was withdrawn from the Committees on Environmental Preservation; Banking and Insurance; and General Government Appropriations.

On motion by Senator Baker, by two-thirds vote—

HB 1533—A bill to be entitled An act relating to petroleum contamination; creating s. 376.30716, F.S.; providing definitions; creating a presumption regarding the source of a subsequently discovered discharge at certain petroleum contamination sites; providing exceptions to the application of the presumption; specifying that certain provisions concerning site rehabilitation agreements do not apply to a subsequently discovered discharge; prohibiting the Department of Environmental Protection from requiring soil or groundwater sampling relating to closure assessments at certain petroleum contamination sites; specifying responsibilities of a facility owner or operator; providing an effective date.

—a companion measure, was substituted for **SB 2126** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 1533** was placed on the calendar of Bills on Third Reading.

On motion by Senator Lynn—

CS for CS for SB 660—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 493.6106, F.S.; clarifying that private investigative, security, and repossession services are licensed by the Department of Agriculture and Consumer Services; amending s. 493.6121, F.S.; authorizing the department to institute judicial proceedings to enforce ch. 493, F.S., or any rule or order of the department; amending s. 493.6303, F.S.; revising the requirements for a Class “D” private security license; requiring that the department establish the required hours of training; providing for automatic suspension of a license upon failure to submit documentation of completing the required training; amending s. 501.059, F.S.; requiring the provision of telephone numbers and certain names of telephone solicitors as part of telephonic sales calls; providing an exception; defining the term “caller identification service”; prohibiting alteration of a caller’s voice during a telephonic sales call under certain circumstances and for certain purposes; providing penalties; amending s. 525.01, F.S.; defining the term “alternative fuel” for purposes of ch. 525, F.S., relating

to the inspection of gasoline and oil; amending s. 527.11, F.S.; exempting the delivery of certain amounts of propane gas for use with outdoor equipment or appliances from provisions governing the delivery of liquefied petroleum gas; requiring that a person delivering liquefied petroleum gas in bulk comply with certain storage requirements; amending ss. 570.46 and 570.47, F.S.; authorizing the Division of Standards within the department to enforce ch. 527, F.S., relating to the sale of liquefied petroleum gas; amending s. 570.544, F.S.; deleting provisions requiring that an office or agency receiving a complaint file progress reports with the Division of Consumer Services within the department; amending s. 616.242, F.S.; exempting certain governmental entities from requirements that operators of amusement rides maintain specified amounts of insurance coverage; repealing s. 526.3135, F.S., which provides for the Division of Standards of the Department of Agriculture and Consumer Services to report the complaints received under the Motor Fuel Marketing Practices Act; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 660** to **HB 7239**.

Pending further consideration of **CS for CS for SB 660** as amended, on motion by Senator Lynn, by two-thirds vote **HB 7239** was withdrawn from the Committees on Commerce and Consumer Services; Communications and Public Utilities; Judiciary; and General Government Appropriations.

On motion by Senator Lynn—

HB 7239—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 493.6106, F.S.; clarifying that private investigative, private security, and repossession services are licensed by the department; amending s. 493.6121, F.S.; authorizing the department to institute judicial proceedings to enforce ch. 493, F.S., or any rule or order of the department; amending s. 493.6303, F.S.; revising the requirements for a Class “D” private security license; requiring the department to establish the number of hours of each subject area to be taught in training; providing for automatic suspension of a license upon failure to submit documentation of completing the required training; prescribing requirements and conditions for persons licensed before a certain date; providing exemptions; amending s. 501.059, F.S.; prohibiting a telephone solicitor from blocking certain information from a recipient’s caller identification service; providing an exception; authorizing a telephone solicitor to substitute certain information provided to the recipient’s caller identification service; providing a definition; prohibiting alteration of a caller’s voice during a telephonic sales call under certain circumstances and for certain purposes; amending s. 501.142, F.S.; providing that the regulation of refunds in retail sales establishments is preempted to the department; authorizing the department to adopt rules; authorizing the department to enter orders for certain violations; requiring that any moneys recovered by the department as a penalty be deposited in the General Inspection Trust Fund; authorizing a local government to impose penalties; requiring that any moneys recovered by a local government as a penalty be deposited in the appropriate local account; amending s. 506.5131, F.S.; revising provisions relating to assessment of fees, fines, and costs against the owner of a shopping cart; providing an exemption; amending s. 525.01, F.S.; defining the term “alternative fuel” for purposes of ch. 525, F.S., relating to the inspection of gasoline and oil; amending s. 527.11, F.S.; exempting the delivery of certain amounts of propane gas for use with outdoor equipment or appliances from provisions governing the delivery of liquefied petroleum gas; requiring that a person delivering liquefied petroleum gas in bulk comply with certain storage requirements; amending ss. 570.46 and 570.47, F.S.; authorizing the Division of Standards within the department to enforce ch. 527, F.S., relating to the sale of liquefied petroleum gas; amending s. 570.544, F.S.; deleting provisions requiring that an office or agency receiving a complaint file progress reports with the Division of Consumer Services within the department; repealing s. 526.3135, F.S., relating to reports by the Division of Standards, to conform to changes made by the act; amending s. 616.242, F.S.; exempting certain governmental entities from requirements that operators of amusement rides maintain specified amounts of insurance coverage; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 660** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 7239** was placed on the calendar of Bills on Third Reading.

On motion by Senator Wise—

CS for CS for SB 192—A bill to be entitled An act relating to prison industries; creating the Prison Industries Task Force within the Office of Legislative Services; requiring the task force to determine how well the prison industries program has fulfilled its statutory mission and purpose; providing for the appointment of members to the task force; requiring the task force to hold a minimum number of public meetings; providing for members of the task force to be reimbursed for per diem and travel expenses; requiring the Legislative Committee on Intergovernmental Relations to provide staff support for the task force; specifying the duties of the task force with respect to taking testimony; requiring the task force to submit a report to the Governor and the Legislature; abolishing the task force on a future date; amending s. 946.505, F.S.; clarifying the state’s reversionary interest in the facilities, property, and assets of the corporation operating a correctional work program; providing an effective date.

—was read the second time by title.

Senator Wise moved the following amendment which was adopted:

Amendment 1 (113990)(with title amendment)—On page 5, between lines 25 and 26, insert:

Section 3. Section 946.510, Florida Statutes, is amended to read:

946.510 Insurance by Division of Risk Management.—

(1) Pursuant to the applicable provisions of chapter 284, the Division of Risk Management of the Department of Financial Services ~~may is~~ ~~authorized to~~ insure the corporation under the same general terms and conditions as the Department of Corrections was insured by the division prior to the corporation leasing the correctional work programs as authorized by this chapter.

(2) *In insuring the corporation under subsection (1), an employee of the corporation shall, for purposes of chapter 440, be deemed an employee of the state.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 23, after the semicolon (;) insert: amending s. 946.510, F.S.; requiring that an employee of the corporation defined in s. 946.503, F.S., be deemed an employee of the state for purposes of workers’ compensation insurance;

Pursuant to Rule 4.19, **CS for CS for SB 192** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Haridopolos—

CS for CS for SB 1622—A bill to be entitled An act relating to inmate litigation costs; creating s. 945.6038, F.S.; requiring the Department of Corrections to charge inmates for specified costs relating to inmate civil litigation; authorizing liens on inmate trust funds; requiring rulemaking; providing for application of the act; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1622** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 2426** was deferred.

SENATOR WEBSTER PRESIDING

On motion by Senator Wilson—

CS for CS for SB 436—A bill to be entitled An act relating to the social status of black men and boys; creating the Council on the Social Status of Black Men and Boys; providing for the appointment and qualification of members; providing for the appointment of members to fill vacant positions; providing for the removal and replacement of members; providing for terms of office; requiring the council to make a systematic study of conditions affecting black men and boys; requiring the Office of the Attorney General to provide administrative support; requiring the council to submit an annual report to the Governor and Legislature; providing for reimbursement for per diem and travel expenses; requiring the Attorney General to organize the initial meeting of the council; providing for the expiration of the council; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 436** to **HB 21**.

Pending further consideration of **CS for CS for SB 436** as amended, on motion by Senator Wilson, by two-thirds vote **HB 21** was withdrawn from the Committees on Children and Families; Governmental Oversight and Productivity; and Justice Appropriations.

On motion by Senator Wilson—

HB 21—A bill to be entitled An act relating to the social status of black men and boys; creating the Council on the Social Status of Black Men and Boys; providing for the appointment and qualification of members; providing for the appointment of members to fill vacant positions; requiring the council to make a systematic study of conditions affecting black men and boys; requiring the Office of the Attorney General to provide administrative support; requiring the council to submit an annual report to the Governor and Legislature; providing for reimbursement for per diem and travel expenses; providing that the council and any subcommittees it forms are subject to public records and meetings requirements; providing financial disclosure requirements for council members; requiring the Attorney General to organize the initial meeting of the council; providing for the expiration of the council; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 436** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 21** was placed on the calendar of Bills on Third Reading.

On motion by Senator Atwater, by two-thirds vote **HB 1141** was withdrawn from the Committees on Judiciary; and Banking and Insurance.

On motion by Senator Atwater—

HB 1141—A bill to be entitled An act relating to conveyances of land; creating s. 689.072, F.S.; providing for the transfer and creation of custodial property in an individual retirement account or certain qualified plans; incorporating statutory provisions into such transfer; providing powers to the custodian or trustee of such custodial property; providing protections for persons dealing with the custodian or trustee; exempting certain transfers from specific claims; providing for the disposition of custodial property held in an account, plan or custodianship that is terminated; providing a standard of care for the custodian or trustee; providing for certain declarations to control in specific legal proceedings; providing that provisions relating to deeds under statute of uses are not applicable to a transfer by a custodian or trustee under the act; providing for liberal construction; creating s. 694.17, F.S.; providing that certain recorded instruments transferring certain interests in real property to a custodian or trustee are ratified, confirmed, and validated; specifying vesting of such interests in the custodian or trustee; specifying nonapplication of provisions relating to deeds under statute of uses; providing an effective date.

—a companion measure, was substituted for **CS for SB 1434** and read the second time by title.

Pursuant to Rule 4.19, **HB 1141** was placed on the calendar of Bills on Third Reading.

On motion by Senator Baker—

CS for CS for SB 2364—A bill to be entitled An act relating to community redevelopment; amending s. 163.340, F.S.; revising certain definitions; defining the term “taxing authority”; amending s. 163.356, F.S.; authorizing one or more members of the board of commissioners of the community redevelopment agency to be representatives of a taxing authority; creating s. 163.357, F.S.; authorizing one or more members of the board of commissioners of the community redevelopment agency to be representatives of a taxing authority; amending s. 163.360, F.S.; specifying additional procedures required for adoption of community redevelopment plans by the governing body of certain counties for certain community redevelopment agencies; amending s. 163.361, F.S.; specifying additional procedures required for adoption of a modified community redevelopment plan by a governing body of certain counties for certain community redevelopment agencies; amending s. 163.370, F.S.; revising provisions relating to powers of counties, municipalities, and community redevelopment agencies; revising provisions relating to projects ineligible for increment revenues; amending s. 163.387, F.S.; revising provisions relating to redevelopment trust funds; providing limitations on the amount of tax increment contributions by a taxing authority for certain community redevelopment agencies; authorizing a community redevelopment agency to waive certain increment payment penalties; authorizing alternate provisions in certain interlocal agreements to supersede certain provisions of law; amending s. 163.410, F.S.; providing additional requirements for requests for information relating to requests for delegation of certain powers; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 2364** to **HB 1583**.

Pending further consideration of **CS for CS for SB 2364** as amended, on motion by Senator Baker, by two-thirds vote **HB 1583** was withdrawn from the Committees on Community Affairs; and Government Efficiency Appropriations.

On motion by Senator Baker—

HB 1583—A bill to be entitled An act relating to community redevelopment; amending s. 163.340, F.S.; revising certain definitions; defining the term “taxing authority”; amending ss. 163.356 and 163.357, F.S.; authorizing representatives of a taxing authority or members of a taxing authority's governing body to be members of the board of commissioners of a community redevelopment agency; amending s. 163.360, F.S.; specifying additional procedures required for adoption of community redevelopment plans by the governing body of certain counties for certain community redevelopment agencies; amending s. 163.361, F.S.; specifying additional procedures required for adoption of a modified community redevelopment plan by a governing body of certain counties for certain community redevelopment agencies; amending s. 163.370, F.S.; revising provisions relating to powers of counties, municipalities, and community redevelopment agencies; revising provisions relating to projects ineligible for increment revenues; amending s. 163.387, F.S.; revising provisions relating to redevelopment trust funds; providing limitations on the amount of tax increment contributions by a taxing authority for certain governing bodies; authorizing a community redevelopment agency to waive certain increment payment penalties; authorizing alternate provisions in certain interlocal agreements to supersede certain provisions of law; amending s. 163.410, F.S.; providing additional requirements for requests for information relating to requests for delegation of certain powers in counties with home rule charters; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2364** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 1583** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett, by two-thirds vote **HB 1299** was withdrawn from the Committees on Community Affairs; Environmental Preservation; Judiciary; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

On motion by Senator Bennett—

HB 1299—A bill to be entitled An act relating to areas of critical state concern; amending s. 125.0108, F.S.; authorizing the continued levy of the tourist impact tax for a certain period in areas of critical state concern removed from designation; providing for continued levy beyond that period pursuant to referendum approval of an ordinance reauthorizing the levy; amending s. 212.055, F.S.; authorizing certain counties to continue the use of a portion of local government infrastructure surtax proceeds for certain purposes for a certain period after removal of designation of an area as an area of critical state concern; providing for continued use of a portion of such proceeds for certain purposes pursuant to ordinance; amending s. 380.0552, F.S.; providing requirements, procedures, and criteria for Administration Commission removal of designation of the Florida Keys Area as an area of critical state concern; requiring removal of the designation under certain circumstances; providing for judicial review of Administration Commission determinations; requiring review of proposed comprehensive plans and amendments to existing plans after removal of designation and providing review criteria; amending s. 380.0666, F.S.; revising the powers of a land authority in an area of critical state concern to acquire property to provide affordable housing; providing for continued power of a land authority to acquire property within an area of critical state concern removed from designation; amending s. 380.0674, F.S.; providing for the continuation of a land authority in an area of critical state concern after removal of the designation; amending s.4, ch. 99-395, Laws of Florida; authorizing local governments in areas of critical state concern removed from designation to continue to enact ordinances relating to central sewerage systems; providing for continuation of existing state liability in certain inverse condemnation actions related to the Florida Keys Area after removal of designation; providing an effective date.

—a companion measure, was substituted for **CS for SB 2098** and read the second time by title.

Pursuant to Rule 4.19, **HB 1299** was placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

CS for CS for CS for SB 2186—A bill to be entitled An act relating to trademarks; creating s. 495.001, F.S.; providing a short title; amending s. 495.011, F.S.; providing definitions; amending s. 495.021, F.S.; precluding registration of certain marks; repealing s. 495.027, F.S., relating to reservation of a mark; amending s. 495.031, F.S.; providing requirements for information to be contained in an application for registration of a mark; authorizing the Department of State to require certain information in an application; requiring that the application be signed and verified by any of certain persons; requiring that the application be accompanied by three specimens showing the mark; requiring that the application be accompanied by a fee; creating s. 495.035, F.S.; providing filing guidelines for applications; providing for disclaimers of unregistrable components; providing for amendment and judicial review; providing for priority of registrations; amending s. 495.041, F.S.; providing that first use shall inure to the benefit of the registrant or applicant under certain circumstances; amending s. 495.061, F.S.; providing for the issuance of a certificate of registration by the department; removing a provision relating to reservation of a mark; amending s. 495.071, F.S.; providing guidelines for the renewal of marks; revising duration of effectiveness of a registration; amending s. 495.081, F.S.; providing for the assignability of marks; authorizing a photocopy of an assignment to be acceptable for recording; providing for change of name certificates for registrants; authorizing recordation of certain instruments; providing acknowledgment of recording as prima facie evidence of the execution of an assignment or other instrument; specifying requirements for creation and perfection of security interests in marks; amending s. 495.091, F.S.; requiring the department to record all marks registered with the state; amending s. 495.101, F.S.; requiring the department to cancel certain marks; amending s. 495.111, F.S., which establishes a classification of goods and services; providing that a single application for registration of a mark may include any or all goods upon which, or services with which, the mark is actually being used as comprised in one or more of the classes listed; amending s. 495.131, F.S.; revising infringement provisions to include an element of lack of consent by the registrant; conforming language; amending s. 495.141, F.S.; providing additional remedies for the unauthorized use of a mark; creating s. 495.145, F.S.; providing a forum for actions regarding registration; providing for service of

process on nonresident registrants; amending s. 495.151, F.S.; providing for an injunction in cases of dilution of a famous mark; providing factors to be considered in determining that a mark is famous; providing damages in certain circumstances of dilution; amending s. 495.161, F.S.; deleting language relating to the diminishing of certain common law rights; amending s. 495.171, F.S.; providing effective date of changes to ch. 495, F.S., as amended by the act; providing for repeal of conflicting acts; providing application to pending actions; amending s. 495.181, F.S.; providing construction and legislative intent; creating s. 495.191, F.S.; providing certain fees; repealing s. 506.06, F.S., relating to unlawful to counterfeit trademark, to conform; repealing s. 506.07, F.S., relating to filing of trademark or other form of advertisement for record with Department of State, to conform; repealing s. 506.08, F.S., relating to fee for filing, to conform; repealing s. 506.09, F.S., relating to civil remedies, to conform; repealing s. 506.11, F.S., relating to unlawful use of trademark, to conform; repealing s. 506.12, F.S., relating to procuring the filing of trademark or other form of advertisement by fraudulent representations, to conform; repealing s. 506.13, F.S., relating to using the name or seal of another, to conform; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for SB 2186** was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano—

CS for SB 1888—A bill to be entitled An act relating to the Department of Community Affairs; amending s. 20.18, F.S.; providing that the Director of the Division of Emergency Management be designated as agency head of the division; providing for the director to be appointed by the Governor; providing that the division is a separate budget entity, not subject to control by the department; providing for an agreement between the division and department for certain services; prescribing duties of the division; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1888** was placed on the calendar of Bills on Third Reading.

On motion by Senator Rich—

CS for SB 1590—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.12, F.S.; authorizing a dealer to elect to forego the collection allowance and direct that the collection allowance be transferred to the Educational Enhancement Trust Fund, to be distributed to school districts as specified; providing exceptions; providing for rulemaking by the Department of Revenue; providing an appropriation; providing for costs recovery; requiring that the Department of Revenue report collection information to the Department of Education; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1590** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1014** was deferred.

On motion by Senator Baker, by two-thirds vote **HB 1031** was withdrawn from the Committees on Commerce and Consumer Services; and Community Affairs.

On motion by Senator Baker—

HB 1031—A bill to be entitled An act relating to pawnbroking; amending s. 539.001, F.S.; providing that local ordinances shall not require the payment of any fee or tax related to a pawn transaction or purchase unless authorized under the Florida Pawnbroking Act; providing an effective date.

—a companion measure, was substituted for **CS for SB 1870** and read the second time by title.

Pursuant to Rule 4.19, **HB 1031** was placed on the calendar of Bills on Third Reading.

On motion by Senator Wise—

CS for CS for SB 278—A bill to be entitled An act relating to contracting for efficiency or conservation measures by state agencies; amending s. 489.145, F.S.; including water and wastewater efficiency and conservation in the measures encouraged by the Legislature; revising definitions; providing for inclusion of water and wastewater efficiency and conservation measures in guaranteed performance savings contracts entered into by a state agency, municipality, or political subdivision; providing additional requirements for contracts; amending s. 287.064, F.S., relating to consolidated financing of deferred-payment purchases, to conform; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Wise, the rules were waived to allow the following amendment to be considered:

Senator Wise moved the following amendment which was adopted:

Amendment 1 (253920)(with title amendment)—On page 10, between lines 17 and 18, insert:

Section 3. Paragraph (g) of subsection (2) of section 287.055, Florida Statutes, is amended to read:

287.055 Acquisition of professional architectural, engineering, landscape architectural, or surveying and mapping services; definitions; procedures; contingent fees prohibited; penalties.—

(2) **DEFINITIONS.**—For purposes of this section:

(g) A “continuing contract” is a contract for professional services entered into in accordance with all the procedures of this act between an agency and a firm whereby the firm provides professional services to the agency for projects in which construction costs do not exceed \$1.5 \$1 million, for study activity when the fee for such professional service does not exceed \$50,000, or for work of a specified nature as outlined in the contract required by the agency, with no time limitation except that the contract must provide a termination clause. Firms providing professional services under continuing contracts shall not be required to bid against one another.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 15, following the semicolon (;) insert: amending s. 287.055, F.S.; redefining the term “continuing contract” for purposes of the Consultants’ Competitive Negotiation Act;

Pursuant to Rule 4.19, **CS for CS for SB 278** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Aronberg—

CS for SB 1172—A bill to be entitled An act relating to public food service establishments; providing legislative findings and intent; creating s. 509.233, F.S.; creating a pilot program that authorizes municipalities to adopt an ordinance establishing a local exemption to certain provisions of general law and agency rules relating to public food service establishments in order to permit patrons’ dogs at certain designated outdoor portions of such establishments; providing for implementation and enforcement procedures; providing for state assistance; providing for future review and repeal; providing an effective date.

—was read the second time by title.

Senator Aronberg moved the following amendment:

Amendment 1 (693890)(with title amendment)—On page 3, line 15 through page 8, line 4, delete those lines and insert: *pilot program*

to allow participating local governments to enact an ordinance establishing procedures by which public food service establishments could become exempt from certain portions of the Food and Drug Administration Food Code and allow patrons’ dogs within certain designated outdoor portions of their respective establishments.

Section 2. Section 509.233, Florida Statutes, is created to read:

509.233 Public food service establishment requirements; local exemption for dogs in designated outdoor portions; pilot program.—

(1) **INTENT.**—*It is the intent of the Legislature by this section to establish a 3-year pilot program for local governments to allow patrons’ dogs within certain designated outdoor portions of public food service establishments.*

(2) **LOCAL EXEMPTION AUTHORIZED.**—*Notwithstanding s. 509.032(7), the governing body of a local government participating in the pilot program is authorized to establish, by ordinance, a local exemption procedure to certain provisions of the Food and Drug Administration Food Code, as currently adopted by the division, in order to allow patrons’ dogs within certain designated outdoor portions of public food service establishments.*

(3) **LOCAL DISCRETION; CODIFICATION.**—

(a) *The adoption of the local exemption procedure shall be at the sole discretion of the governing body of a participating local government. Nothing in this section shall be construed to require or compel a local governing body to adopt an ordinance pursuant to this section.*

(b) *Any ordinance adopted pursuant to this section shall provide for codification within the land development code of a participating local government.*

(4) **LIMITATIONS ON EXEMPTION; PERMIT REQUIREMENTS.**—

(a) *Any local exemption procedure adopted pursuant to this section shall only provide a variance to those portions of the currently adopted Food and Drug Administration Food Code in order to allow patrons’ dogs within certain designated outdoor portions of public food service establishments.*

(b) *In order to protect the health, safety, and general welfare of the public, the local exemption procedure shall require participating public food service establishments to apply for and receive a permit from the governing body of the local government before allowing patrons’ dogs on their premises. The local government shall require from the applicant such information as the local government deems reasonably necessary to enforce the provisions of this section, but shall require, at a minimum, the following information:*

1. *The name, location, and mailing address of the public food service establishment.*

2. *The name, mailing address, and telephone contact information of the permit applicant.*

3. *A diagram and description of the outdoor area to be designated as available to patrons’ dogs, including dimensions of the designated area; a depiction of the number and placement of tables, chairs, and restaurant equipment, if any; the entryways and exits to the designated outdoor area; the boundaries of the designated area and of other areas of outdoor dining not available for patrons’ dogs; any fences or other barriers; surrounding property lines and public rights-of-way, including sidewalks and common pathways; and such other information reasonably required by the permitting authority. The diagram or plan shall be accurate and to scale but need not be prepared by a licensed design professional.*

4. *A description of the days of the week and hours of operation that patrons’ dogs will be permitted in the designated outdoor area.*

(c) *In order to protect the health, safety, and general welfare of the public, the local exemption ordinance shall include such regulations and limitations as deemed necessary by the participating local government and shall include, but not be limited to, the following requirements:*

1. *All public food service establishment employees shall wash their hands promptly after touching, petting, or otherwise handling dogs. Em-*

ployees shall be prohibited from touching, petting, or otherwise handling dogs while serving food or beverages or handling tableware or before entering other parts of the public food service establishment.

2. Patrons in a designated outdoor area shall be advised that they should wash their hands before eating. Waterless hand sanitizer shall be provided at all tables in the designated outdoor area.

3. Employees and patrons shall be instructed that they shall not allow dogs to come into contact with serving dishes, utensils, tableware, linens, paper products, or any other items involved in food service operations.

4. Patrons shall keep their dogs on a leash at all times and shall keep their dogs under reasonable control.

5. Dogs shall not be allowed on chairs, tables, or other furnishings.

6. All table and chair surfaces shall be cleaned and sanitized with an approved product between seating of patrons. Spilled food and drink shall be removed from the floor or ground between seating of patrons.

7. Accidents involving dog waste shall be cleaned immediately and the area sanitized with an approved product. A kit with the appropriate materials for this purpose shall be kept near the designated outdoor area.

8. A sign or signs reminding employees of the applicable rules shall be posted on premises in a manner and place as determined by the local permitting authority.

9. A sign or signs reminding patrons of the applicable rules shall be posted on premises in a manner and place as determined by the local permitting authority.

10. A sign or signs shall be posted in a manner and place as determined by the local permitting authority that places the public on notice that the designated outdoor area is available for the use of patrons and patrons' dogs.

11. Dogs shall not be permitted to travel through indoor or non-designated outdoor portions of the public food service establishment.

(d) A permit issued pursuant to this section shall not be transferred to a subsequent owner upon the sale of a public food service establishment but shall expire automatically upon the sale of the establishment. The subsequent owner shall be required to reapply for a permit pursuant to this section if the subsequent owner wishes to continue to accommodate patrons' dogs.

(5) **POWERS; ENFORCEMENT.**—Participating local governments shall have such powers as are reasonably necessary to regulate and enforce the provisions of this section.

(6) **STATE AND LOCAL COOPERATION.**—The division shall provide reasonable assistance to participating local governments in the development of enforcement procedures and regulations, and participating local governments shall monitor permitholders for compliance in cooperation with the division. At a minimum, participating local governments shall establish a procedure to accept, document, and respond to complaints and to timely report to the division all such complaints and the participating local governments' enforcement responses to such complaints. A participating local government shall provide the division with a copy of all approved applications and permits issued, and the participating local government shall require that all applications,

And the title is amended as follows:

On page 1, line 5, delete "municipalities" and insert: local governments

MOTION

On motion by Senator Aronberg, the rules were waived to allow the following amendment to be considered:

Senator Aronberg moved the following substitute amendment:

Amendment 2 (193648)(with title amendment)—On page 3, line 15 through page 7, line 27, delete those lines and insert: *pilot program to allow participating local governments to enact an ordinance establishing procedures by which public food service establishments could become*

exempt from certain portions of the Food and Drug Administration Food Code and allow patrons' dogs within certain designated outdoor portions of their respective establishments.

Section 2. Section 509.233, Florida Statutes, is created to read:

509.233 Public food service establishment requirements; local exemption for dogs in designated outdoor portions; pilot program.—

(1) **INTENT.**—It is the intent of the Legislature by this section to establish a 3-year pilot program for local governments to allow patrons' dogs within certain designated outdoor portions of public food service establishments.

(2) **LOCAL EXEMPTION AUTHORIZED.**—Notwithstanding s. 509.032(7), the governing body of a local government participating in the pilot program is authorized to establish, by ordinance, a local exemption procedure to certain provisions of the Food and Drug Administration Food Code, as currently adopted by the division, in order to allow patrons' dogs within certain designated outdoor portions of public food service establishments.

(3) **LOCAL DISCRETION; CODIFICATION.**—

(a) The adoption of the local exemption procedure shall be at the sole discretion of the governing body of a participating local government. Nothing in this section shall be construed to require or compel a local governing body to adopt an ordinance pursuant to this section.

(b) Any ordinance adopted pursuant to this section shall provide for codification within the land development code of a participating local government.

(4) **LIMITATIONS ON EXEMPTION; PERMIT REQUIREMENTS.**—

(a) Any local exemption procedure adopted pursuant to this section shall only provide a variance to those portions of the currently adopted Food and Drug Administration Food Code in order to allow patrons' dogs within certain designated outdoor portions of public food service establishments.

(b) In order to protect the health, safety, and general welfare of the public, the local exemption procedure shall require participating public food service establishments to apply for and receive a permit from the governing body of the local government before allowing patrons' dogs on their premises. The local government shall require from the applicant such information as the local government deems reasonably necessary to enforce the provisions of this section, but shall require, at a minimum, the following information:

1. The name, location, and mailing address of the public food service establishment.

2. The name, mailing address, and telephone contact information of the permit applicant.

3. A diagram and description of the outdoor area to be designated as available to patrons' dogs, including dimensions of the designated area; a depiction of the number and placement of tables, chairs, and restaurant equipment, if any; the entryways and exits to the designated outdoor area; the boundaries of the designated area and of other areas of outdoor dining not available for patrons' dogs; any fences or other barriers; surrounding property lines and public rights-of-way, including sidewalks and common pathways; and such other information reasonably required by the permitting authority. The diagram or plan shall be accurate and to scale but need not be prepared by a licensed design professional.

4. A description of the days of the week and hours of operation that patrons' dogs will be permitted in the designated outdoor area.

(c) In order to protect the health, safety, and general welfare of the public, the local exemption ordinance shall include such regulations and limitations as deemed necessary by the participating local government and shall include, but not be limited to, the following requirements:

1. All public food service establishment employees shall wash their hands promptly after touching, petting, or otherwise handling dogs. Employees shall be prohibited from touching, petting, or otherwise handling

dogs while serving food or beverages or handling tableware or before entering other parts of the public food service establishment.

2. Patrons in a designated outdoor area shall be advised that they should wash their hands before eating. Waterless hand sanitizer shall be provided at all tables in the designated outdoor area.

3. Employees and patrons shall be instructed that they shall not allow dogs to come into contact with serving dishes, utensils, tableware, linens, paper products, or any other items involved in food service operations.

4. Patrons shall keep their dogs on a leash at all times and shall keep their dogs under reasonable control.

5. Dogs shall not be allowed on chairs, tables, or other furnishings.

6. All table and chair surfaces shall be cleaned and sanitized with an approved product between seating of patrons. Spilled food and drink shall be removed from the floor or ground between seating of patrons.

7. Accidents involving dog waste shall be cleaned immediately and the area sanitized with an approved product. A kit with the appropriate materials for this purpose shall be kept near the designated outdoor area.

8. A sign or signs reminding employees of the applicable rules shall be posted on premises in a manner and place as determined by the local permitting authority.

9. A sign or signs reminding patrons of the applicable rules shall be posted on premises in a manner and place as determined by the local permitting authority.

10. A sign or signs shall be posted in a manner and place as determined by the local permitting authority that places the public on notice that the designated outdoor area is available for the use of patrons and patrons' dogs.

11. Dogs shall not be permitted to travel through indoor or non-designated outdoor portions of the public food service establishment, and ingress and egress to the designated outdoor portions of the public food establishment must not require entrance into or passage through any indoor area of the food establishment.

(d) A permit issued pursuant to this section shall not be transferred to a subsequent owner upon the sale of a public food service establishment but shall expire automatically upon the sale of the establishment. The subsequent owner shall be required to reapply for a permit pursuant to this section if the subsequent owner wishes to continue to accommodate patrons' dogs.

(5) **POWERS; ENFORCEMENT.**—Participating local governments shall have such powers as are reasonably necessary to regulate and enforce the provisions of this section.

(6) **STATE AND LOCAL COOPERATION.**—The division shall provide reasonable assistance to participating local governments in the development of enforcement procedures and regulations, and participating local governments shall monitor permitholders for compliance in cooperation with the division. At a minimum, participating local governments shall establish a procedure to accept, document, and respond to complaints and to timely report to the division all such complaints and the participating local governments' enforcement responses to such complaints. A participating local government shall provide the division with a copy of all approved applications and permits issued, and the participating local government shall require that

And the title is amended as follows:

On page 1, line 5, delete "municipalities" and insert: local governments

MOTION

On motion by Senator Siplin, the rules were waived to allow the following amendment to be considered:

Senator Siplin moved the following amendment to substitute **Amendment 2** which failed:

Amendment 2A (742044)—On page 2, line 15, after the period (.) insert: *Orange County shall be excluded from the pilot program.*

The question recurred on **Amendment 2** which was adopted.

Pursuant to Rule 4.19, **CS for SB 1172** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 2252** was deferred.

MOTION

On motion by Senator Pruitt, the rules were waived and time of recess was extended until completion of the Special Order Calendar, motions and announcements.

On motion by Senator Posey—

CS for CS for SB's 716 and 2660—A bill to be entitled An act relating to campaign finance; amending s. 106.011, F.S.; redefining the terms "political committee," "contribution," "expenditure," "communications media," and "electioneering communication"; defining the term "electioneering communications organization"; amending s. 106.022, F.S.; conforming a reference to an electioneering communications organization; amending s. 106.03, F.S.; revising the registration requirements for political committees and electioneering communications organizations; creating s. 106.0701; establishing campaign finance reporting requirements for certain officers and candidates soliciting contributions for certain committees and organizations; providing penalties; creating s. 106.0703, F.S.; establishing campaign finance reporting requirements for electioneering communications organizations; amending s. 106.0705, F.S.; incorporating the new campaign finance reporting requirements for electioneering communications organizations into the Department of State's electronic campaign finance reporting system; amending s. 106.08, F.S.; prohibiting the use of certain contributions received by an electioneering communications organization proximate to an election; limiting contributions to certain committees of continuous existence, electioneering communications organizations, and tax-exempt organizations pursuant to 26 U.S.C. s. 527 and 501(c)(4); reenacting ss. 106.07, 106.08(8), and 106.19, F.S., relating to reports, certification and filing, and penalty provisions, to incorporate the amendments made by this act to ss. 106.03 and 106.08, F.S., in references thereto; providing effective dates.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB's 716 and 2660** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SJR 1436** and **CS for SB 854** was deferred.

CS for SB 502—A bill to be entitled An act relating to discounted computers and Internet access for students; creating a program to offer discounted computers and Internet access to public school students in grades 5 through 12; authorizing the Department of Education to negotiate terms with computer manufacturers or nonprofit corporations; requiring the department to negotiate terms with broadband Internet access providers; requiring the State Board of Education to adopt rules, including rules for provision of technical training to students; requiring the Digital Divide Council to implement a pilot project to assist low-income students with purchasing discounted computers and Internet access services; requiring the council to identify eligibility criteria for participation in the pilot project; providing for funding and authorizing the council to accept grants to implement the pilot project; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 502** to **HB 765**.

Pending further consideration of **CS for SB 502** as amended, on motion by Senator Wilson, by two-thirds vote **HB 765** was withdrawn from the Committees on Education; Commerce and Consumer Services; and Education Appropriations.

On motion by Senator Wilson, by two-thirds vote—

HB 765—A bill to be entitled An act relating to discounted computers and Internet access for students; creating a program to offer discounted computers and Internet access to public school students and students in home education programs in grades 5 through 12; requiring the Department of Education to negotiate terms with computer manufacturers, certain nonprofit corporations, and broadband Internet access providers; requiring the State Board of Education to adopt rules, including rules for provision of technical training to students; requiring the Digital Divide Council to implement a pilot project to assist low-income students with purchasing discounted computers and Internet access services; requiring the council to identify eligibility criteria for participation in the pilot project; providing for funding and authorizing the council to accept grants to implement the pilot project; providing an effective date.

—a companion measure, was substituted for **CS for SB 502** as amended and by two-thirds vote read the second time by title.

On motion by Senator Wilson, further consideration of **HB 765** was deferred.

On motion by Senator Wise, by two-thirds vote **HB 429** was withdrawn from the Committees on Education; Governmental Oversight and Productivity; and Education Appropriations.

On motion by Senator Wise—

HB 429—A bill to be entitled An act relating to the Florida School for the Deaf and the Blind; amending s. 1002.36, F.S.; authorizing the provision of education services to district school boards upon request; revising powers and duties of the Board of Trustees for the Florida School for the Deaf and the Blind relating to requirements for expenditure of certain funds and submission of capital outlay budget requests; authorizing campus police officers to enforce traffic laws; deleting provisions authorizing bonding of campus police officers; amending s. 1013.31, F.S.; including reference to the Florida School for the Deaf and the Blind in provisions relating to educational plant surveys; providing an effective date.

—a companion measure, was substituted for **CS for SB 1014** and read the second time by title.

Pursuant to Rule 4.19, **HB 429** was placed on the calendar of Bills on Third Reading.

On motion by Senator Sebesta, by two-thirds vote **HB 1221** was withdrawn from the Committees on Education; and Ethics and Elections.

On motion by Senator Sebesta—

HB 1221—A bill to be entitled An act relating to district school boards; creating s. 1001.364, F.S.; providing for an alternate procedure for the election of a district school board chair in any school district that does not have a district school board member elected at large; requiring a referendum and providing requirements for submitting such referendum to the electors; creating s. 1001.365, F.S.; providing for resolution of a tie vote by the district school board chair and district school board members; amending s. 1001.371, F.S., relating to organization of district school boards, to conform; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2252** and read the second time by title.

MOTION

On motion by Senator Sebesta, the rules were waived to allow the following amendment to be considered:

Senator Webster offered the following amendment which was moved by Senator Sebesta and adopted:

Amendment 1 (200734)(with title amendment)—Delete every-thing after the enacting clause and insert:

Section 1. *The Legislature finds that medium-sized counties in Florida have experienced rapid and dynamic growth in the last decade. The Legislature recognizes that some counties have been experiencing rapid growth, based on student enrollment figures. The Legislature also recognizes that the needs of students in kindergarten through grade 12 are significantly tied to expansive growth in these counties, and that the needs of families that have school-age children require critical consideration. The Legislature finds that the will of the electors regarding education issues may be better realized by offering an alternate procedure for the district school board chair to be elected directly by the electors of the school district.*

Section 2. Section 1001.364, Florida Statutes, is created to read:

1001.364 *Alternate procedure for election of district school board chair.—*

(1) *The district school board chair shall be elected in accordance with the provisions of s. 1001.371 unless a proposition calling for the district school board chair to be elected as an additional school board member by districtwide vote is submitted to and approved by a majority of the qualified electors voting on such proposition in the manner provided in subsection (2).*

(2) *A proposition calling for the district school board chair to be elected by districtwide vote shall be submitted to the electors of the school district at any primary, general, or otherwise-called special election in either of the following manners:*

(a) *The district school board may adopt a formal resolution directing that the proposition be placed on the ballot; or*

(b) *The electors of the school district may petition to have the proposition placed on the ballot by presenting to the district school board petitions signed by not less than 10 percent of the duly qualified electors residing within the school district. The number of signatures required shall be determined by the supervisor of elections according to the number of registered electors in the school district as of the date the petitioning electors register as a political committee as provided in subsection (3).*

(3) *The electors petitioning to have the proposition placed on the ballot shall register as a political committee pursuant to s. 106.03, and a specific person shall be designated therein as chair of the committee to act for the committee.*

(4) *Each petition form circulated shall include the following wording:*

As a registered elector of the school district of ____ County, Florida, I am petitioning for a referendum election to determine whether the district school board chair shall be elected by districtwide vote.

The petition shall also include space for the signature and address of the elector. Each signature obtained shall be dated when made and is valid for a period of 4 years after that date.

(5) *Upon the filing of the petitions with the district school board by the chair of the committee, the district school board shall submit the petitions to the supervisor of elections for verification of the signatures. Within a period of not more than 30 days, the supervisor of elections shall determine whether the petitions contain the required number of valid signatures. The supervisor of elections shall be paid by the committee seeking verification the sum of 10 cents for each signature checked.*

(6) *If it is determined that the petitions have the required signatures, the supervisor of elections shall certify the petitions to the district school board, which shall adopt a formal resolution requesting that an election date be set to conform to the earliest primary, general, or otherwise-called special election that occurs not less than 30 days after certification of the petitions. If it is determined that the petitions do not contain the required signatures, the supervisor of elections shall so notify the district school board, which shall file the petitions without taking further action, and the matter shall be at an end. No additional signatures may be added to the petitions, and the petitions may not be used in any other proceeding.*

(7) *No special election may be called for the sole purpose of presenting the proposition to the vote of the electors.*

(8) *Any school district adopting the proposition set forth in this section may thereafter return to the procedure otherwise provided by law by following the same procedure outlined in subsection (2).*

(9) *If a proposition submitted to the electors under subsection (2) calling for the district school board chair to be elected by districtwide vote is approved by vote of the qualified electors, the office of district school board chair shall be filled at the next general election.*

(10) *The vice chair of the district school board shall be elected by the members of the district school board as provided in s. 1001.371.*

(11) *This section applies only to those counties organized by charter that have a population of between 800,000 and 900,000 according to the last federal decennial census.*

Section 3. Section 1001.365, Florida Statutes, is created to read:

1001.365 Votes by district school board chair and district school board members.—Unless otherwise provided by law, in the event of a tie vote of the district school board chair and district school board members acting in any capacity, the side on which the district school board chair voted shall be deemed to prevail. For purposes of any vote of the district school board chair and district school board members acting in any capacity, action taken pursuant to that side of a tie vote on which the district school board chair voted satisfies the requirement that action be taken by a “majority” vote or a “simple majority” vote. This section applies only to those counties organized by charter that have a population of between 800,000 and 900,000 according to the last federal decennial census.

Section 4. Section 1001.371, Florida Statutes, is amended to read:

1001.371 Organization of district school board.—On the third Tuesday after the first Monday in November of each year, the district school board shall organize by electing a chair. It may elect a vice chair, and the district school superintendent shall act ex officio as the secretary. If a vacancy should occur in the position of chair, the district school board shall proceed to elect a chair at the next ensuing regular or special meeting. At the organization meeting, the district school superintendent shall act as chair until the organization is completed. The chair and secretary shall then make and sign a copy of the proceedings of organization, including the schedule for regular meetings and the names and addresses of all district school officers, and annex their affidavits that the same is a true and correct copy of the original, and the secretary shall file the document within 2 weeks with the Department of Education. This section does not apply to any school district with a district school board chair who is elected by districtwide vote.

Section 5. This act shall take effect July 1, 2006.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to district school boards; providing legislative findings; creating s. 1001.364, F.S.; providing for an alternate procedure for the election of a district school board chair in any school district that does not have a district school board member elected at large; requiring a referendum and providing requirements for submitting such referendum to the electors; creating s. 1001.365, F.S.; providing for resolution of a tie vote by the district school board chair and district school board members; amending s. 1001.371, F.S., relating to organization of district school boards, to conform; providing an effective date.

Pursuant to Rule 4.19, **HB 1221** as amended was placed on the calendar of Bills on Third Reading.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Pruitt, the rules were waived and the Special Order Subcommittee of the Committee on Rules and Calendar was granted permission to meet later than 7:00 p.m.

MOTIONS

On motion by Senator Pruitt, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Friday, April 28.

On motion by Senator Pruitt, a deadline of one hour after the availability of engrossed bills was set for filing amendments to Bills on Third Reading to be considered Friday, April 28.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Pruitt, by two-thirds vote **SB 910**, **CS for SB 1398** and **CS for CS for SB 2366** were withdrawn from the Committee on Justice Appropriations; **CS for SB 510**, **SB 512**, **CS for SB 662**, **CS for SB 664**, **CS for SB 734**, **CS for SB 736**, **CS for SB 1584**, **CS for SB 1586**, **CS for SB 2066** and **CS for SB 2316** were withdrawn from the Committee on Rules and Calendar; **SB 1022** was withdrawn from the Committee on Transportation and Economic Development Appropriations; **CS for CS for SB 954**, **CS for SB 962**, **SB 972**, **CS for SB 1062**, **CS for CS for SB 2384** and **SB 2676** were withdrawn from the Committee on Ways and Means; **CS for CS for SB 132** was withdrawn from the Committees on Ways and Means; and Rules and Calendar; **CS for SB 2096** was withdrawn from the Committees on Transportation and Economic Development Appropriations; and Ways and Means; and **CS for SB 2460** was withdrawn from the Committees on General Government Appropriations; Ways and Means; and Rules and Calendar.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, April 27, 2006: **CS for SJR 1150**, **CS for SB 1146**, **SJR 2788**, **CS for SJR 1158**, **CS for SB 2548**, **CS for SB 2304**, **CS for CS for SB 994**, **CS for SB 642**, **CS for CS for CS for SB's 114 and 444**, **CS for SB 502**, **CS for CS for SB 1774**, **CS for CS for SB 208**, **CS for CS for CS for SB 688**, **CS for CS for SB 980**, **SB 2126**, **CS for CS for SB 192**, **CS for CS for SB 1622**, **CS for SB 2426**, **CS for CS for SB 436**, **CS for SB 1434**, **CS for CS for SB 2364**, **CS for SB 2098**, **CS for CS for CS for SB 2186**, **CS for SB 1888**, **CS for SB 1590**, **CS for SB 1014**, **CS for SB 1870**, **CS for CS for SB 278**, **CS for SB 1172**, **CS for CS for SB 2252**, **CS for CS for SB's 716 and 2660**, **CS for CS for SJR 1436**, **CS for SB 854**

Respectfully submitted,
Ken Pruitt, Chair

The Committee on Health Care recommends the following not pass: **SB 2678**

The Committee on Judiciary recommends the following not pass: **SB 2686**

The bills contained in the foregoing reports were laid on the table.

The Committee on Judiciary recommends a committee substitute for the following: **SB 2298**

The bill with committee substitute attached was referred to the Committee on Commerce and Consumer Services under the original reference.

The Committee on Regulated Industries recommends a committee substitute for the following: **SB 1894**

The bill with committee substitute attached was referred to the Committee on Community Affairs under the original reference.

The Committee on Regulated Industries recommends a committee substitute for the following: **SB 2670**

The bill with committee substitute attached was referred to the Committee on Criminal Justice under the original reference.

The Committee on Regulated Industries recommends a committee substitute for the following: SB 1630

The bill with committee substitute attached was referred to the Committee on Education under the original reference.

The Committee on Health Care recommends a committee substitute for the following: CS for SB 2602

The bill with committee substitute attached was referred to the Committee on Education Appropriations under the original reference.

The Committee on Judiciary recommends a committee substitute for the following: SB 1800

The bill with committee substitute attached was referred to the Committee on Governmental Oversight and Productivity under the original reference.

The Committee on Health Care recommends committee substitutes for the following: SB 2428, SB 2444

The Committee on Judiciary recommends committee substitutes for the following: CS for SB 926, CS for SB 2012

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Health and Human Services Appropriations under the original reference.

The Committee on Health Care recommends committee substitutes for the following: SB 1928, SB 2082

The bills with committee substitutes attached were referred to the Committee on Judiciary under the original reference.

The Committee on Judiciary recommends a committee substitute for the following: SB 1346

The bill with committee substitute attached was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Government Efficiency Appropriations recommends a committee substitute for the following: CS for SB 1742

The bill with committee substitute attached was referred to the Committee on Transportation and Economic Development Appropriations under the original reference.

The Committee on Education Appropriations recommends a committee substitute for the following: CS for SB 772

The Committee on General Government Appropriations recommends committee substitutes for the following: CS for CS for SB 856, SB 1206

The Committee on Transportation and Economic Development Appropriations recommends a committee substitute for the following: CS for SB 132

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on General Government Appropriations recommends committee substitutes for the following: CS for SB 282, CS for SB 1306, CS for SB 2216, SB 2290, CS for CS for SB 2490

The Committee on Health Care recommends a committee substitute for the following: SB 416

The Committee on Judiciary recommends committee substitutes for the following: SB 408, SB 432, SB 1494, CS for SB 1632, SB 2014, SB 2250

The Committee on Transportation and Economic Development Appropriations recommends a committee substitute for the following: CS for SB 2300

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Transportation and Economic Development Appropriations; Community Affairs; and Senators Bennett, Clary and Fasano—

CS for CS for SB 132—A bill to be entitled An act relating to affordable housing; creating ss. 125.379 and 166.0451, F.S., relating to counties and municipalities, respectively; requiring county and municipal staff to prepare an inventory list of all real property to which the county or municipality holds fee simple title by a specified date and triennially thereafter; requiring planning staff to identify real property that is appropriate for use as affordable housing; specifying a time period for completion of the inventory and identification of surplus real property; requiring public hearings; requiring the county or municipality to approve the inventory list; specifying a time for the first public hearing and adoption of the resolution; requiring that the properties identified as appropriate for use as affordable housing to become immediately available; prescribing the options the county or municipality have to dispose of the surplus lands for affordable housing; providing requirements for certain deed restrictions; providing definitions; amending s. 163.31771, F.S.; conforming cross-references; providing a statement of important state interest; amending s. 189.4155, F.S.; authorizing a special district to provide housing and housing assistance for employees; amending s. 191.006, F.S.; authorizing an independent special district to provide housing and housing assistance for its employees; amending s. 197.252, F.S.; decreasing the age and increasing the income threshold required for eligibility to defer ad valorem property taxes; decreasing the maximum interest rate that may be charged on deferred ad valorem taxes; amending s. 201.15, F.S.; revising certain provisions relating to Everglades Restoration bonds; correcting a cross reference; amending s. 215.619, F.S.; revising certain provisions relating to Everglades restoration bonds; amending s. 253.034, F.S.; authorizing a local government to request that state lands be declared surplus lands in order to provide affordable housing; providing options for disposing of surplus state lands that are used for affordable housing; deleting obsolete provisions; amending s. 295.16, F.S.; expanding an exemption from certain fees relating to structural improvements to a disabled veteran's residence; amending s. 380.06, F.S.; revising the criteria under which a proposed change to the development constitutes a substantial deviation; amending s. 380.0651, F.S.; revising the statewide guidelines for developments of regional impact to review certain types of developments; amending s. 420.0004, F.S.; defining the term "extremely-low-income persons"; amending s. 420.503, F.S.; redefining the term "farmworker" for purposes of the use of certain federal funds by the Florida Housing Finance Corporation; amending s. 420.507, F.S.; revising certain loan and interest rate provisions relating to the State Apartment Incentive Loan Program; authorizing the use of loans issued under the Florida Homeownership Assistance Program for property acquisition; authorizing the Florida Housing Finance Corporation to establish subsidiary business entities for specified purposes; authorizing the Florida Housing Finance Corporation to adopt rules allowing the corporation to take action to avoid default of program loans; authorizing the Florida Housing Finance Corporation to adopt rules requiring the reporting of certain data concerning housing financed through corporation programs; amending s. 420.5087, F.S.; revising the population thresholds for the categories used to allocate funds to counties under the State Apartment Incentive Loan Program; reducing the percentage of the loan amount which the sponsor of a housing community for the elderly must commit to match in order to receive the loan under the State Apartment Incentive Loan Program; providing that certain loans made under the State Apartment Incentive Loan Program may be made coterminous with other liens that

have terms in excess of 15 years; authorizing the Florida Housing Finance Corporation to waive certain requirements for projects that serve extremely-low-income families; deleting certain obsolete provisions; providing for the inclusion of housing units for extremely-low-income families as a criterion in the competitive application process; clarifying the Florida Housing Finance Corporation's authority regarding the sale, transfer, or refinancing of certain projects; amending s. 420.5088, F.S.; providing that the Homeownership Assistance Program may assist moderate-income persons in purchasing a home; increasing the income limit served by the Homeownership Assistance Program; increasing the limit on loan amounts for homes purchased through the Homeownership Assistance Program; increasing the percentage of the state or local median income below which personal or family income must fall in order to purchase a home under the Florida Homeownership Assistance Program; deleting a provision requiring the reservation of certain housing funds for a period of 9 months; amending s. 420.9072, F.S.; conforming cross-references; amending s. 420.9075, F.S.; providing components to be included in the local housing assistance plan; providing for calculating the average area purchase price for eligible housing under the State Housing Initiatives Partnership Act in the manner established by the United States Department of the Treasury; creating the Community Workforce Housing Innovation Pilot Program; providing legislative findings; requiring the program to provide funds for the housing needs of specified entities; providing certain incentives for program applicants; providing for funding and conditions for funding; requiring the Florida Housing Finance Corporation to establish selection criteria for applicants; amending s. 420.9079, F.S.; authorizing the Florida Housing Finance Corporation to request certain funds for compliance monitoring; amending s. 1001.42, F.S.; authorizing school district boards to provide lands for purposes of affordable housing for certain teachers and other instructional personnel; directing the Department of Community Affairs to develop a model residential density bonus ordinance for use by local governments; reenacting ss. 161.05301(1), 161.091(3), 370.0603(3), 420.5092(5) and (6), 420.9073, 1013.64(7), and 1013.738(4), F.S., relating to beach erosion control projects, beach management funding, the Marine Resources Conservation Trust Fund, the Florida Affordable Housing Guarantee Program, distributions for local housing programs, comprehensive educational plant needs, and a high growth grant program, respectively, to incorporate the amendments made to s. 201.15, F.S., in a reference thereto; reenacting s. 196.1978, F.S., relating to affordable housing property tax exemption, to incorporate the amendments made to s. 402.0004, F.S., in references thereto; amending s. 212.08, F.S.; correcting cross-references; reenacting s. 420.503(19), F.S., relating to defining terms for the Florida Housing Finance Corporation, to incorporate the amendments made to s. 420.5087, F.S., in a reference thereto; reenacting s. 420.5061, F.S., relating to the transfer of assets and liabilities to the Florida Housing Finance Corporation, to incorporate the amendments made to s. 420.5088, F.S., in a reference thereto; reenacting s. 420.9071(25), F.S., relating to definitions pertaining to the state housing initiatives partnership, to incorporate the amendments made to s. 420.9075, F.S., in a reference thereto; repealing ss. 420.37 and 420.530, F.S., relating to certain powers of the Florida Housing Finance Corporation and the state farmworker pilot loan program, respectively; authorizing the corporation to provide funds for eligible entities for affordable housing recovery in those counties that were declared eligible for disaster funding after the hurricanes of 2004 and 2005 and that sustained housing damage due to those storms; authorizing the corporation to adopt emergency rules; providing an appropriation to the Florida Housing Finance Corporation to provide housing units for extremely-low-income persons; providing an appropriation to the Florida Housing Finance Corporation to implement the Community Workforce Housing Innovation Pilot Program; providing an appropriation to the Florida Housing Finance Corporation for hurricane housing recovery; providing an appropriation to the Department of Community Affairs for the Century Commission for a Sustainable Florida; providing effective dates.

By the Committees on General Government Appropriations; Regulated Industries; and Senators Dockery, Argenziano, Lynn and Diaz de la Portilla—

CS for CS for SB 282—A bill to be entitled An act relating to the Beverage Law; amending s. 561.14, F.S.; prohibiting vendor purchases and acquisitions of wine from direct shippers; providing for direct shipper license classification; creating s. 561.575, F.S.; providing for the direct shipment of wine from within or outside the state; requiring that a shipper hold a direct shipper's license; providing requirements for

licensure; requiring that each container of wine shipped directly be labeled with a notice; requiring that a direct shipper file a surety bond with the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation; providing for attorney's fees and costs in an action to collect unpaid taxes; authorizing the division to suspend or revoke a direct shipper's license or impose fines; providing for criminal penalties; authorizing the division to adopt rules; amending ss. 561.54 and 561.545, F.S.; specifying that provisions prohibiting the direct shipment of alcoholic beverages are inapplicable to wine shipped under s. 561.575, F.S.; amending s. 561.57, F.S.; including Internet sales as sales construed to be actually made at the vendor's licensed place of business; exempting common carriers from certain report filing requirements; requiring common carriers to verify the age of persons receiving shipments; providing a defense to certain actions; authorizing positions and providing an appropriation; providing an effective date.

By the Committee on Judiciary; and Senator Campbell—

CS for SB 408—A bill to be entitled An act relating to adoption; amending s. 63.054, F.S.; requiring a petitioner in a proceeding for termination of parental rights to provide notice to the Office of Vital Statistics of the Department of Health; prohibiting the office from recording a claim of paternity after the date that a termination of parental rights is filed; requiring the department to remove a registrant's name from the Florida Putative Father Registry upon a finding that the registrant has no parental rights; amending s. 63.062, F.S.; modifying consent required for adoption; amending s. 63.182, F.S.; providing that the interest that entitles a person to notice of an adoption must be direct, financial, and immediate; providing an exception; providing that a showing of an indirect, inconsequential, or contingent interest is wholly inadequate; providing construction and applicability; providing an effective date.

By the Committee on Health Care; and Senator Bennett—

CS for SB 416—A bill to be entitled An act relating to health care practitioners; providing legislative findings and intent; amending s. 456.072, F.S., relating to grounds for discipline, penalties, and enforcement applicable to health care practitioners; providing that a practitioner's failure to identify the type of license under which he or she is practicing constitutes grounds for disciplinary action; providing exceptions; authorizing certain entities to determine compliance with a disclosure requirement; providing penalties; specifying that a reference to the section constitutes a general reference under the doctrine of incorporation by reference; providing an effective date.

By the Committee on Judiciary; and Senators Wilson, Miller, Lawson and Hill—

CS for SB 432—A bill to be entitled An act relating to the restoration of civil rights; requiring that the administrator of a county detention facility provide an application form for the restoration of civil rights to a prisoner who has been convicted of a felony and is serving a sentence in that facility; providing that the act does not apply to prisoners who are transferred to the Department of Corrections; providing an effective date.

By the Committees on Education Appropriations; Children and Families; and Senators Constantine and Wilson—

CS for CS for SB 772—A bill to be entitled An act relating to schools; amending s. 1001.47, F.S.; clarifying the applicability of the salary formula and certification programs to elected district school superintendents; amending s. 1001.50, F.S.; authorizing participation by appointed district school superintendents in certification programs established by the Department of Education; amending s. 1003.02, F.S.; authorizing district school board attendance policies to allow accumulated tardies and early departures to be recorded as unexcused absences; authorizing district school board policies for student referral to a child study team under certain circumstances; amending s. 1003.21, F.S.; providing that students who have attained 16 years of age and have not graduated are

subject to compulsory school attendance under certain circumstances; requiring student exit interviews prior to terminating school enrollment; amending s. 1003.26, F.S.; providing district school superintendent's responsibility to support local law enforcement agencies in enforcing school attendance; providing required and authorized child study team interventions; authorizing visits by school representatives; transferring and amending s. 1013.721, F.S.; renaming the Florida Business and Education in School Together Program as "A Business-Community (ABC) School Program"; defining the term "A Business-Community School"; requiring each school board to submit certain documentation to the Department of Education; requiring each school board to designate a school program liaison; requiring each school district to establish an evaluation committee; requiring each school board to provide to the department information about each member of the committee; requiring the committee to submit an annual report to the school board and the superintendent; providing for the committee's responsibilities; providing for admissions of students to the school program; authorizing a school district and a business to enter into a contract for operation of the school program; amending s. 1013.502, F.S.; providing for facilities for the school program; providing an effective date.

By the Committees on General Government Appropriations; Governmental Oversight and Productivity; Domestic Security; and Senator Diaz de la Portilla—

CS for CS for CS for SB 856—A bill to be entitled An act relating to domestic security; amending s. 282.318, F.S.; requiring the Department of Management Services to recommend minimum operating procedures for the security of data and information technology resources; requiring each agency to conduct certain procedures to assure the security of data, information, and information technology resources; requiring that the results of certain internal audits and evaluations be available to the Auditor General; requiring the department to establish an Office of Information Security and to designate a Chief Information Security Officer; requiring the office to develop a strategic plan; providing that the office is responsible for certain procedures and standards; providing legislative findings with respect to the provision of additional funds for enhancements and improvements to the radio system used by state law enforcement agencies; providing for the implementation of certain recommendations contingent upon appropriation; providing an appropriation and authorizing positions; prescribing requirements for fire hydrants to prevent backflow contamination of the domestic water supply; providing an effective date.

By the Committees on Judiciary; Health Care; and Senator Peaden—

CS for CS for SB 926—A bill to be entitled An act relating to drug distribution; amending s. 499.003, F.S.; amending a definition; requiring the Department of Health to approve a document or electronic form relating to pedigree papers; providing requirements for pedigree papers that record certain distributions of legend drugs; amending s. 499.005, F.S.; revising a prohibition relating to pedigree papers; amending s. 499.006, F.S.; providing that a drug is adulterated if it is a certain prescription drug that has been returned by a veterinarian to a limited prescription drug veterinary wholesaler; amending s. 499.01, F.S.; requiring a limited prescription drug veterinary wholesaler to obtain a permit for operation from the Department of Health; providing that a permit for a limited prescription drug veterinary wholesaler may not be issued to the address of certain health care entities; amending s. 499.012, F.S.; revising permit requirements for a veterinary prescription drug wholesaler that distributes prescription drugs; establishing a permit for a limited prescription drug veterinary wholesaler; providing requirements; providing an exception; amending s. 499.0121, F.S.; requiring certain wholesale distributors taking title to a prescription drug to provide an invoice to the purchaser containing certain information; requiring a purchaser of a prescription drug to obtain from the manufacturer a shipping document containing specified information; requiring a manufacturer to make certain information available to the department; authorizing the department to adopt certain rules relating to the inventory and return of certain prescription drugs; amending s. 499.0122, F.S.; redefining the term "veterinary legend drug retail establishment"; amending s. 499.041, F.S.; requiring the department to assess an annual fee within a certain monetary range for a limited prescription drug veterinary wholesaler permit; amending s. 499.065, F.S.; requiring

the department to inspect each limited prescription drug veterinary wholesaler establishment; authorizing the department to determine that a limited prescription drug veterinary wholesaler establishment is an imminent danger to the public; amending s. 499.0661, F.S.; providing for emergency suspension of a permittee if charged with specified violations; requiring the department to publish a list of certain permittee names; amending s. 499.067, F.S.; prohibiting issuance of permits to specified applicants; requiring revocation of permits of specified permittees; providing an effective date.

By the Committee on General Government Appropriations; and Senators Atwater, Wise, King, Baker, Klein, Crist, Aronberg, Wilson, Posey, Bennett, Jones, Alexander, Diaz de la Portilla, Lynn and Sebesta—

CS for SB 1206—A bill to be entitled An act relating to commerce; providing legislative findings and purpose relating to the contribution of the manufacturing sector to the economy of this state and relating to free trade agreements with the Americas; amending s. 212.08, F.S.; deleting a limitation on the annual amount of an exemption from the sales tax for certain machinery and equipment used to increase productive output; deleting an exemption from the sales tax for machinery and equipment used to expand certain printing manufacturing facilities or plant units; deleting a provision stating that the sales tax exemption for machinery and equipment purchased for use in phosphate or other solid mineral severance, mining, or processing operations may be taken only by way of a prospective credit against certain taxes; deleting a limitation on the annual amount of a sales tax exemption for certain machinery and equipment purchased under a federal procurement contract; repealing s. 212.0805, F.S., relating to qualifications for the exemption and credit for machinery and equipment purchased by an expanding business for use in phosphate or other solid minerals severance, mining, or processing operations; providing an appropriation and authorizing positions; providing an effective date.

By the Committees on General Government Appropriations; Environmental Preservation; and Senator Garcia—

CS for CS for SB 1306—A bill to be entitled An act relating to the Miami-Dade County Lake Belt Area; amending s. 373.4149, F.S.; revising the geographic boundaries of the Miami-Dade County Lake Belt Area; amending s. 373.41492, F.S.; revising the geographic boundaries for mining areas subject to the mitigation fees under the Miami-Dade County Lake Belt Mitigation Plan; providing for mitigation fee increases; imposing a water treatment plant upgrade fee; authorizing proceeds of mitigation fees to be allocated to the South Florida Water Management District and Miami-Dade County for specific purposes; authorizing the proceeds of the water treatment plant upgrade fee to be used for updating a water treatment plant near the Lake Belt Area; revising the reporting requirements for the interagency committee; designating the Site 1 Impoundment project of the Comprehensive Everglades Restoration Plan sponsored by the South Florida Water Management District as the "Fran Reich Preserve"; directing the South Florida Water Management District to erect suitable markers; providing an effective date.

By the Committee on Judiciary; and Senator Smith—

CS for SB 1346—A bill to be entitled An act relating to actions involving free speech or defamation; creating s. 770.09, F.S.; providing criteria for liability for invasion of privacy for giving publicity to a matter that places a person before the public in a false light; amending s. 95.11, F.S.; limiting the period in which to commence an action; providing an effective date.

By the Committee on Judiciary; and Senators Bennett and Fasano—

CS for SB 1494—A bill to be entitled An act relating to official state designations; creating s. 15.0301, F.S.; designating an official state motto; creating s. 15.052, F.S.; designating the future Admiral Jack Fetterman State of Florida Maritime Museum and Research Center in

Pensacola as the official state maritime museum; providing for future review and repeal of such designation; providing an effective date.

By the Committee on Regulated Industries; and Senator King—

CS for SB 1630—A bill to be entitled An act relating to cosmetology; amending s. 477.013, F.S.; providing and amending definitions; redefining “cosmetology” to include hair technician, esthetician, and nail technician services; defining the terms “cosmetology intern” and “internship sponsor”; including body wrapping within esthetician services; removing a distinction between specialty salons and other salons; creating s. 477.0131, F.S.; authorizing licensure for hair technicians, estheticians, nail technicians, and cosmetologists; amending s. 477.0132, F.S.; requiring passage of a specified course to receive a hair braiding registration; increasing the total hours of instruction and modifying the content of instruction required to constitute a hair braiding course; providing an exemption from a portion of required hair braiding coursework; eliminating future body wrapping registrations; authorizing renewal of current body wrapping registrations; specifying that only the Board of Cosmetology may review, evaluate, and approve required text; amending s. 477.014, F.S.; revising requirements for qualification to practice under ch. 477, F.S.; authorizing current specialists to sit for licensure examinations in certain circumstances; providing for the renewal of current specialty registrations; amending s. 477.019, F.S.; revising qualification, education, licensure and renewal, supervised practice, and endorsement requirements for cosmetologist licenses to include and differentiate qualification, education, licensure and renewal, supervised practice, and endorsement requirements for hair technician, esthetician, and nail technician licenses; requiring the board to adopt certain procedures relating to licensure by endorsement; amending s. 477.0212, F.S.; increasing fee caps for the reactivation of an inactive license; requiring the board to adopt certain rules relating to license renewal or continuing education; amending s. 477.023, F.S.; stipulating that the Department of Education is not prevented from issuing grooming and salon services certification; creating s. 477.0231, F.S.; providing for the selection and placement of cosmetology interns; requiring a school program to provide written notice to the board regarding the internship sponsor and the cosmetology intern; providing requirements and duties of the internship sponsor; requiring a cosmetology salon to post notice regarding services of a student intern; requiring a cosmetology intern to possess written authorization to practice cosmetology; requiring the board to establish education prerequisites for cosmetology internships; authorizing the board to terminate an internship of a cosmetology intern or the sponsorship of a internship sponsor; requiring the board to give notice of termination; amending s. 477.025, F.S., relating to cosmetology and specialty salons, requisites, licensure, inspection, and mobile cosmetology salons, to conform; amending s. 477.026, F.S.; revising fee provisions to conform; increasing fee caps for certain fees; amending s. 477.0263, F.S., to conform; specifying circumstances under which cosmetology or specialty services may be practiced outside of a licensed salon; amending s. 477.0265, F.S., relating to prohibited acts, to conform; providing acts and exceptions to those acts for cosmetology interns; amending s. 477.028, F.S., relating to disciplinary proceedings, to conform; amending s. 477.029, F.S., relating to penalties, to conform; repealing s. 477.0201, F.S., relating to specialty registration, qualifications, registration renewal, and endorsement; providing an effective date.

By the Committees on Judiciary; Governmental Oversight and Productivity; and Senator Bennett—

CS for CS for SB 1632—A bill to be entitled An act relating to agency inspectors general; creating s. 14.325, F.S.; providing definitions; providing legislative intent; creating the Council on State Agency Inspectors General; providing for the purpose and membership of the council; providing duties and responsibilities of the council; requiring the council to hold meetings at least monthly; authorizing the council to develop recommendations relating to inspector general investigations; providing minimum requirements for the recommendations developed by the council; providing administrative support for the council; requiring the council to issue a report on its findings; providing for repeal; providing an effective date.

By the Committees on Government Efficiency Appropriations; Transportation; and Senators Sebesta and Fasano—

CS for CS for SB 1742—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 207.008, F.S.; requiring that a motor carrier maintain certain tax records for a specified period; amending s. 207.021, F.S.; authorizing the department to adopt rules to resolve disputes with motor carriers involving taxes, penalties, interest, or refunds; providing for an agreement with the department settling or compromising a taxpayer's liability for any tax, interest, or penalty; authorizing agreements for scheduling payments of taxes, penalties, or interest; amending s. 261.10, F.S.; providing a limitation on liability in off-highway vehicle recreation; creating s. 261.20, F.S.; authorizing operations of off-highway vehicles on public lands; providing restrictions; requiring safety courses; defining prohibited acts; providing penalties; amending s. 316.003, F.S.; defining the term “full mount”; revising the definition of “saddle mount” to provide for a full mount; amending s. 316.006, F.S.; authorizing the board of directors of a homeowner's association to provide for local law enforcement agencies to enforce state traffic laws on private roads that are controlled by the association; amending s. 316.0085, F.S.; applying provisions that relate to liability with respect to skateboarding, inline skating, and other recreational pursuits to mountain and off-road bicycling as well; requiring demonstration that consent by a parent or legal guardian was provided to a governmental entity in specified circumstances; amending s. 316.1001, F.S.; exempting the owner of a leased vehicle from responsibility for a failure to pay a toll violation under certain circumstances; amending s. 316.192, F.S.; adding to the definition of acts that constitute reckless driving; specifying certain acts that constitute reckless driving per se; amending s. 316.1955, F.S.; exempting the owner of a leased vehicle from responsibility for a violation of certain disabled parking violations in specific circumstances; amending s. 316.2015, F.S.; deleting an exception to a prohibition against persons riding on the exterior of a passenger vehicle; revising exceptions to a prohibition against persons riding on any vehicle on an area of the vehicle not designed or intended for the use of passengers; prohibiting an operator from allowing certain minors to ride within the open body of a pickup truck or flatbed truck on limited access facilities; providing exceptions; providing penalties; providing for counties to be exempted from the section; amending s. 316.2095, F.S.; deleting a requirement that certain motorcycles be equipped with passenger handholds; amending s. 316.211, F.S.; requiring a unique license plate for a motorcycle registered to a person younger than a specified age; creating s. 316.2123, F.S.; providing for all-terrain vehicle operation under certain conditions; requiring the operator to provide proof of ownership to a law enforcement officer; providing for counties to be exempted from the act; amending s. 316.2125, F.S.; granting local jurisdictions the authority to enact ordinances governing the use of golf carts within a retirement community which are more restrictive than state law; creating s. 316.2128, F.S.; providing requirements for the commercial sale of motorized scooters and miniature motorcycles; providing that a violation of the commercial sales requirements is an unfair and deceptive trade practice; amending s. 316.221, F.S.; exempting dump trucks and similar vehicles from the requirement that the rear registration plate be illuminated; amending s. 316.302, F.S.; updating references to federal commercial motor vehicle regulations; revising hours-of-service requirements for certain intrastate motor carriers; revising conditions for an exemption from commercial driver's license requirements; revising weight requirements for application of certain exceptions to specified federal regulations and to operation of certain commercial motor vehicles by persons of a certain age; amending s. 316.515, F.S.; authorizing certain uses of forestry equipment; providing width and speed limitations; requiring such vehicles to be operated in accordance with specified safety requirements; revising length and mount requirements for automobile towaway and driveway operations; authorizing saddle mount combinations to include one full mount; amending s. 318.143, F.S., relating to sanctions for infractions of ch. 316, F.S., committed by minors; allowing a court to require a minor and his or her parents or guardians to participate in a registered youthful driver monitoring service; creating s. 318.1435, F.S.; defining the term “youthful driver monitoring service”; providing procedures by which such a service may provide monitoring; providing registration requirements; amending s. 318.15, F.S.; providing for the collection of certain service charges by authorized driver licensing agents; amending s. 318.18, F.S.; providing increased penalties for violation of load on vehicle restrictions; amending s. 318.32, F.S.; authorizing officers to revoke a driver's license under certain circumstances; amending s. 320.02, F.S.; requiring proof of an endorsement before the original registration of a motorcycle, motor-driven cycle, or moped; amending s.

320.03, F.S.; exempting certain owners of leased vehicles from certain registration requirements; amending s. 320.07, F.S.; exempting certain owners of leased vehicles from certain penalties relating to annual registration-renewal requirements; amending s. 320.0706, F.S.; providing requirements for displaying the rear license plate on a dump truck; amending s. 320.08056, F.S.; providing annual use fees for certain plates; exempting collegiate license plates from the requirement for maintaining a specified number of license plate registrations; amending s. 320.08058, F.S.; creating the Future Farmers of America license plate; providing for the distribution of annual use fees received from the sale of such plates; amending s. 320.089, F.S.; providing for Operation Iraqi Freedom and Operation Enduring Freedom license plates for qualified military personnel; amending s. 320.27, F.S.; exempting certain applicants for a new franchised motor vehicle dealer license from certain training requirements; providing penalties for the failure to register a mobile home salesperson; amending s. 320.405, F.S.; authorizing the department to enter into an agreement for scheduling the payment of taxes or penalties; amending s. 320.77, F.S.; providing a definition; requiring mobile home salespersons to be registered with the department; amending s. 320.781, F.S.; providing for certain claims to be satisfied from the Mobile Home and Recreational Vehicle Protection Trust Fund; establishing certain conditions for such claims; providing limits on such claims; amending s. 322.01, F.S.; redefining the term "driver's license" to include an operator's license as defined by federal law; defining the terms "identification card," "temporary driver's license," and "temporary identification card" for purposes of ch. 322, F.S.; amending s. 322.02, F.S.; revising legislative intent provisions to include references to county constitutional officers providing driver licensing services; amending s. 322.05, F.S.; requiring that a driver holding a learner license may only have his or her application for a Class E license delayed for a moving violation; amending s. 322.051, F.S.; revising the age at which a person may be issued an identification card by the department; authorizing the use of additional documentation for purposes of proving nonimmigrant classification when a person applies for an identification card; amending s. 322.08, F.S.; authorizing the use of additional documentation for purposes of proving nonimmigrant classification when a person applies for a driver's license; amending s. 322.12, F.S.; requiring that all first-time applicants for a license to operate a motorcycle complete a motorcycle safety course; amending s. 322.121, F.S.; revising periodic license examination requirements; providing for such testing of applicants for renewal of a license under provisions requiring an endorsement permitting the applicant to operate a tank vehicle transporting hazardous materials; amending s. 322.135, F.S.; authorizing the department to contract with any county constitutional officer for driver license services in counties where the tax collector is not elected or does not provide the services; amending s. 322.2615, F.S.; revising the procedures under which a law enforcement officer or correctional officer may suspend the driving privilege of a person who is driving a motor vehicle and who has an unlawful blood-alcohol level or breath-alcohol level or who refuses to submit to a test of his or her urine, breath, or blood; deleting a requirement that such person be arrested for the offense of driving under the influence; revising certain reporting requirements; providing that materials submitted to the department by the law enforcement agency, including the crash report, are self-authenticating and part of the record for the hearing officer; authorizing a law enforcement agency to appeal a decision by the department invalidating a suspension of a person's driving privilege; directing the department to study the outsourcing of its driver license services to a provider or other governmental agency, in whole or in part, while retaining responsibility and accountability for the services; requiring that the department submit a report to the Governor and Legislature by a specified date; providing requirements for the department with respect to issues to be included in the study; requiring a cost-benefit analysis and a transition and implementation plan; providing effective dates.

By the Committee on Judiciary; and Senator Aronberg—

CS for SB 1800—A bill to be entitled An act relating to public records; amending s. 741.313, F.S.; providing an exemption from public-records requirements for certain records submitted by an employee of a state agency who is a victim of domestic violence; providing for future legislative review and repeal; providing a statement of public necessity; providing a contingent effective date.

By the Committee on Regulated Industries; and Senators Baker and Bennett—

CS for SB 1894—A bill to be entitled An act relating to professional regulation by the Department of Business and Professional Regulation; amending s. 489.128, F.S.; providing that individuals performing certain construction contracting work are not considered unlicensed for purposes of contract enforceability; providing for retroactive application; amending s. 489.503, F.S.; exempting nationally recognized testing laboratories from certain alarm system contracting provisions; amending s. 489.505, F.S.; defining the term "nationally recognized testing laboratory"; amending s. 489.516, F.S.; exempting certain electrical and alarm system contractors from ordinances or codes of local governments or special districts requiring various types of recognition by certain national entities; authorizing local governments or special districts to require such contractors to provide certain documentation at the final inspection of an alarm system; reserving the authority of local governments and special districts to require compliance with the Florida Fire Prevention Code and NFPA No. 72; amending s. 489.532, F.S.; providing that individuals performing certain electrical and alarm system contracting work are not considered unlicensed for purposes of contract enforceability; providing for retroactive application; amending s. 468.385, F.S.; requiring an applicant for an auctioneer license to submit fingerprints with the application; revising information that must be submitted with an application regarding the applicant; amending s. 468.609, F.S.; providing additional eligibility requirements for a person to take the examination for certification as a building code inspector or plans examiner; revising a reference to the organization administering certain examinations; amending s. 468.617, F.S.; authorizing certain limited certificateholders to provide services to specified jurisdictions; amending s. 468.619, F.S.; providing for the application of the building code enforcement officials' bill of rights to certain disciplinary investigations and proceedings; amending s. 468.621, F.S.; providing for disciplinary proceedings for violations involving failure to follow building code or permit requirements, obstructing an investigation, and accepting services at a noncompetitive rate from any person whose work is under the enforcement authority of the official, under certain circumstances; amending ss. 489.113 and 489.117, F.S.; exempting certain contractors and specialty contractors who are working under the supervision of a property owner who is acting as his or her own contractor from certification or registration requirements; amending s. 468.627, F.S.; providing requirements for continuing education in ethics; removing provisions relating to an option of taking an equivalency test in lieu of taking core curriculum classes; amending s. 489.115, F.S.; requiring applicants for initial issuance of a certificate or registration as a contractor to submit to criminal history records checks; authorizing the board to deny licensure to certain applicants; specifying matters the board must consider concerning licensure; prohibiting the denial of licensure based solely on a felony conviction or the status of the civil rights of the applicant; specifying that guidelines for determining financial stability may include minimum requirements for net worth, cash, and bonding; providing that a portion of financial requirements may be met by completing specified coursework; providing an effective date.

By the Committee on Health Care; and Senator Peadar—

CS for SB 1928—A bill to be entitled An act relating to high school athletics; amending s. 1002.22, F.S.; authorizing the disclosure of certain records of a student under specified circumstances to certain persons when in conjunction with a drug testing program to randomly test for anabolic steroids in students grades 9 through 12 who participate in interscholastic athletics in member schools of the Florida High School Athletic Association; amending s. 1006.20, F.S.; requiring the Florida High School Athletic Association to facilitate a 3-year drug testing program to randomly test for anabolic steroids in students in grades 9 through 12 who participate in interscholastic athletics in its member schools; requiring schools to consent to the provisions of the program as a prerequisite for membership in the organization; requiring the organization to establish procedures for the conduct of the program, including contracting with a testing agency to administer the program; requiring that records that contain findings of a drug test be maintained separately from a student's educational records; providing for disclosure; requiring students and their parents to consent to the provisions of the program as a prerequisite for eligibility to participate in interscholastic athletics; providing penalties for students selected for testing who fail to provide a specimen; requiring the administration of a school to meet

with a student who tests positive and his or her parent to review the finding, penalties, and procedure for challenge and appeal; providing penalties for first, second, and third positive findings; providing due process procedures for challenge and appeal; requiring the organization to provide an annual report to the Legislature on the results of the program; providing an exemption from civil liability resulting from implementation of the program; requiring the Department of Legal Affairs to provide defense in claims of civil liability; requiring program expenses to be paid through legislative appropriation; providing for expiration of the program; providing an appropriation; providing an effective date.

By the Committees on Judiciary; Children and Families; and Senator Baker—

CS for CS for SB 2012—A bill to be entitled An act relating to persons with disabilities; amending s. 20.197, F.S.; requiring the director of the Agency for Persons with Disabilities to be subject to confirmation by the Senate; requiring the agency to create a Division of Budget and Planning and a Division of Operations; authorizing the director to recommend creating additional subdivisions of the agency in order to promote efficient and effective operation of the agency; amending s. 39.001, F.S., relating to the development of a comprehensive state plan for children; conforming provisions to the transfer of duties from the Developmental Disabilities Program Office within the Department of Children and Family Services to the Agency for Persons with Disabilities; amending s. 39.202, F.S.; providing for certain employees, agents, and contract providers of the agency to have access to records concerning cases of child abuse or neglect for specified purposes; amending s. 39.407, F.S.; deleting provisions authorizing the treatment of a child under ch. 393, F.S., if the child is alleged to be dependent; amending s. 287.155, F.S.; authorizing the agency to purchase vehicles under certain circumstances; amending ss. 381.0072 and 383.14, F.S., relating to food service licenses and the Genetics and Newborn Screening Advisory Council, respectively; conforming provisions to the transfer of duties from the Developmental Disabilities Program Office within the Department of Children and Family Services to the Agency for Persons with Disabilities; repealing s. 393.061, F.S., relating to a short title; amending s. 393.062, F.S.; revising legislative findings and intent to conform to changes in terminology; amending s. 393.063, F.S.; revising the definitions applicable to ch. 393, F.S., relating to developmental disabilities; amending s. 393.064, F.S.; revising the duties of the Agency for Persons with Disabilities with respect to prevention services, evaluations and assessments, intervention services, and support services; amending s. 393.0641, F.S.; defining the term “severe self-injurious behavior” for purposes of a program of prevention and treatment for individuals exhibiting such behavior; amending s. 393.065, F.S., relating to application for services and the determination of eligibility for services; providing for children in the child welfare system to be placed at the top of the agency’s wait list for waiver services; authorizing the agency to adopt rules; amending s. 393.0651, F.S., relating to support plans for families and individuals; revising the age at which support plans are developed for children; deleting a prohibition against assessing certain fees; creating s. 393.0654, F.S.; specifying circumstances under which an employee of the agency may own, operate, or work in a private facility under contract with the agency; amending s. 393.0655, F.S.; revising the screening requirements for direct service providers; providing a temporary exemption from screening requirements for certain providers; amending s. 393.0657, F.S.; revising an exemption from certain requirements for fingerprinting and rescreening; amending s. 393.066, F.S.; revising certain requirements for the services provided by the agency; requiring agency approval for purchased services; revising the agency’s rulemaking authority; amending s. 393.067, F.S.; revising requirements governing the agency’s licensure procedures; revising the requirements for background screening of applicants for licensure and managers, supervisors, and staff members of service providers; requiring that the agency adopt rules governing the reporting of incidents; deleting certain responsibilities of the Agency for Health Care Administration with respect to the development and review of emergency management plans; amending s. 393.0673, F.S.; providing circumstances under which the agency may deny, revoke, or suspend a license or impose a fine; requiring the Agency for Persons with Disabilities to adopt rules for evaluating violations and determining the amount of fines; amending s. 393.0674, F.S.; providing a penalty for failure by a provider to comply with background screening requirements; amending s. 393.0675, F.S.; deleting certain obsolete provisions requiring that a provider be of good moral character; amending s. 393.0678, F.S.; deleting provisions governing receivership

proceedings for an intermediate care facility for the developmentally disabled; amending s. 393.068, F.S.; requiring that the family care program emphasize self-determination; removing supported employment from the list of services available under the family care program; revising certain requirements for reimbursing a family care program provider; amending s. 393.0695, F.S., relating to in-home subsidies; requiring that the Agency for Persons with Disabilities adopt rules for such subsidies; amending s. 393.075, F.S., relating to liability coverage for facilities licensed by the agency; conforming terminology; amending s. 393.11, F.S.; revising provisions governing the involuntary admission of a person to residential services; clarifying provisions governing involuntary commitment; requiring that a person who is charged with a felony will have his or her competency determined under ch. 916, F.S.; conforming terminology; amending s. 393.122, F.S.; clarifying requirements governing applications for continued residential services; amending s. 393.13, F.S., relating to the Bill of Rights of Persons Who are Developmentally Disabled; deleting a provision protecting minimum wage compensation for certain programs; limiting the use of restraint and seclusion; requiring the agency to adopt rules governing the use of restraint or seclusion; revising requirements for client records; deleting certain requirements governing local advocacy councils; allowing the resident government to include disability advocates from the community; amending s. 393.135, F.S.; revising definitions; clarifying provisions making such misconduct a second-degree felony; amending s. 393.15, F.S.; establishing the Community Resources Development Loan Program to provide loans to foster homes, group homes, and supported employment programs; providing legislative intent; providing eligibility requirements; providing authorized uses of loan funds; requiring that the agency adopt rules governing the loan program; providing requirements for repaying loans; amending s. 393.17, F.S.; authorizing the agency to establish certification programs for persons providing services to clients; requiring that the agency establish a certification program for behavior analysts; requiring that the program be reviewed and validated; creating s. 393.18, F.S.; providing for a comprehensive transition education program for persons who have severe or moderate maladaptive behaviors; specifying the types of treatment and education centers providing services under the program; providing requirements for licensure; requiring individual education plans for persons receiving services; limiting the number of persons who may receive services in such a program; authorizing licensure of certain existing programs; creating s. 393.23, F.S.; requiring that receipts from operating canteens, vending machines, and other like activities in a developmental disabilities institution be deposited in a trust account in a bank, credit union, or savings and loan association; describing how the moneys earned may be expended; allowing for the investment of the funds; requiring that the accounting system at the institution account for the revenues and expenses of the activities; requiring that sales tax moneys be remitted to the Department of Revenue; amending s. 393.501, F.S.; revising the agency’s rulemaking authority; providing requirements for rules governing alternative living centers and independent living education centers; amending s. 394.453, F.S.; declaring that the policy of the state is to achieve an ongoing reduction of the use of restraint and seclusion on persons with mental illness who are served by programs and facilities operated, licensed, or monitored by the agency; amending s. 394.455, F.S.; defining the terms “restraint” and “seclusion” for purposes of the Baker Act; amending s. 394.457, F.S.; requiring the Department of Children and Family Services to adopt rules for the use of restraint and seclusion for cases handled under the Baker Act; amending s. 394.879, F.S.; requiring that rules be adopted for the use of restraint and seclusion; amending s. 397.405, F.S.; clarifying an exemption from licensure provided to certain facilities licensed under ch. 393, F.S.; amending s. 400.419, F.S.; requiring that a list of facilities subject to sanctions or fines be disseminated to the Agency for Persons with Disabilities; amending s. 400.960, F.S.; revising definitions for purposes of part XI of ch. 400, F.S., relating to nursing homes and related facilities; amending 400.962, F.S.; requiring an applicant for a license to operate an intermediate care facility to agree to provide or arrange for active treatment services; providing rulemaking authority; amending s. 400.967, F.S., relating to rules and classification of deficiencies; conforming provisions to the transfer of duties from the Department of Children and Family Services to the Agency for Persons with Disabilities; requiring that rules be adopted for the use of restraint and seclusion; amending ss. 402.115, 402.17, 402.181, 402.20, 402.22, and 402.33, F.S.; including the Agency for Persons with Disabilities within provisions governing the sharing of information, claims for the care and maintenance of facility residents, county contracts for services for persons with developmental disabilities, education programs for students who reside in state facilities, and fees for services; conforming provisions to changes made by the act; correcting a cross-reference;

amending s. 408.036, F.S., relating to projects that are exempt from obtaining a certificate of need; conforming terminology; amending s. 409.221, F.S., relating to the consumer directed care program; conforming provisions to changes made by the act; amending ss. 409.908 and 409.9127, F.S., relating to the Medicaid program; conforming a cross-reference; deleting obsolete provisions; amending ss. 411.224 and 411.232, F.S.; conforming provisions to the transfer of duties from the Developmental Disabilities Program Office within the Department of Children and Family Services to the Agency for Persons with Disabilities; amending ss. 415.102, 415.1035, 415.1055, and 415.107, F.S.; conforming terminology; including the Agency for Persons with Disabilities within provisions providing requirements that a facility inform residents of certain rights, notification requirements for administrative entities, and requirements for maintaining the confidentiality of reports and records; amending s. 435.03, F.S., relating to screening standards; conforming terminology and a cross-reference; amending ss. 490.014 and 491.014, F.S., relating to exemptions from licensure for psychologists and certain specified counselors, respectively; conforming provisions to changes made by the act; amending ss. 944.602, 945.025, 947.185, and 985.224, F.S., relating to the Department of Corrections, the Parole Commission, and petitions alleging delinquency; conforming provisions to the transfer of duties from the Developmental Disabilities Program Office within the Department of Children and Family Services to the Agency for Persons with Disabilities; amending s. 1003.58, F.S.; including facilities operated by the Agency for Persons with Disabilities within provisions governing the residential care of students; amending ss. 17.61 and 400.464, F.S., relating to investment of certain funds and home health services for persons with disabilities, respectively; conforming provisions to changes made by the act; amending s. 744.704, F.S.; correcting a cross-reference; amending s. 984.22, F.S.; removing a provision that specifies fines be deposited into the Community Resources Development Trust Fund; creating part III of ch. 282, F.S.; requiring that the executive, legislative, and judicial branches of state government provide to individuals with disabilities access to and use of information and data that is comparable to the information and data provided to individuals who do not have disabilities; providing certain exceptions; providing definitions; requiring that each state agency use accessible electronic information and information technology that conforms with specified provisions of federal law; providing certain exceptions; requiring the Department of Management Services to adopt rules; providing an exception for electronic information and information technology involving military activities or criminal intelligence activities; specifying that the act applies to competitive solicitations; providing legislative intent; providing an effective date.

By the Committee on Judiciary; and Senator Wise—

CS for SB 2014—A bill to be entitled An act relating to evidence of theft or dealing in stolen property; amending s. 812.022, F.S.; providing that proof concerning the possession of a stolen motor vehicle having an ignition or steering wheel lock that has been bypassed or broken, unless satisfactorily explained, gives rise to an inference that the person possessing the motor vehicle knew or should have known that the vehicle was stolen; providing an effective date.

By the Committee on Health Care; and Senator Peadar—

CS for SB 2082—A bill to be entitled An act relating to public meetings; amending s. 1006.20, F.S.; exempting from public-meetings requirements a meeting at which a challenge or an appeal is made; providing for future review and repeal; providing a statement of public necessity; providing a contingent effective date.

By the Committees on General Government Appropriations; Environmental Preservation; and Senator Clary—

CS for CS for SB 2216—A bill to be entitled An act relating to hazard mitigation for coastal development; amending s. 161.085, F.S.; authorizing an agency, political subdivision, or municipality having jurisdiction over an impacted area to install rigid coastal armoring structures; authorizing the Department of Environmental Protection to revoke the authority of an agency, political subdivision, or municipality to install rigid coastal armoring structures; specifying conditions under which

sand filled tubes or similar structures may be authorized as the core of a restored dune feature; amending s. 163.3178, F.S.; requiring the Division of Emergency Management to manage the update of regional hurricane evacuation studies; defining the term “coastal high-hazard area”; requiring the Department of Community Affairs to find that an application to amend a local government comprehensive plan which meets specified conditions concerning hurricane evacuation, evacuation time, and related mitigation complies with state coastal high-hazard standards; requiring each local government to amend its future land use map and comprehensive plan by a certain date to reflect such requirement and conditions; requiring certain local governments to adopt a specified level of service for out-of-county hurricane evacuation; prohibiting new hospitals and certain new congregate living facilities in a coastal high-hazard area; amending s. 163.336, F.S.; revising the requirements for the placement of beach-compatible material that is excavated during the coastal resort area redevelopment pilot project; extending the expiration date of the pilot project; requiring a report; amending s. 381.0065, F.S.; requiring the issuance of certain permits by the Department of Health for work seaward of the coastal construction control line to be contingent upon receipt of a coastal construction control line permit from the Department of Environmental Protection; providing an effective date.

By the Committee on Judiciary; and Senator Webster—

CS for SB 2250—A bill to be entitled An act relating to supersedeas bond; creating s. 768.734, F.S.; limiting the amount of supersedeas bond required for certain appellants; providing that a party may move the court to reduce the supersedeas bond; providing an exception to limits if an appellant engages in certain conduct for the purpose of avoiding payment of the judgment; providing an effective date.

By the Committee on General Government Appropriations; and Senators Fasano, Atwater and Pruitt—

CS for SB 2290—A bill to be entitled An act relating to long-term care insurance; creating s. 627.94075, F.S.; requiring long-term care insurance policies to provide for policy incontestability after a certain time; providing an exception; amending s. 627.9403, F.S.; specifying that certain limited benefit policies are a type of long-term care insurance policy; deleting an exemption from a minimum time period coverage requirement for certain limited benefit policies; amending s. 627.9404, F.S.; revising certain definitions; amending s. 627.9407, F.S.; revising certain restrictions on long-term care insurance policies; providing additional rate structure requirements for long-term care insurance policies; amending s. 641.2018, F.S.; correcting a cross-reference; reenacting and amending s. 409.9102, F.S.; directing the Agency for Health Care Administration, in consultation with the Office of Insurance Regulation and the Department of Children and Family Services, to amend the Medicaid state plan that established the Florida Long-Term Care Partnership Program for purposes of compliance with provisions of the Social Security Act; establishing a qualified state Long-Term Care Insurance Partnership Program in Florida; providing duties of the program; requiring consultation with the Office of Insurance Regulation and the Department of Children and Family Services for the creation of standards for certain information; providing rulemaking authority to the agency for implementation of s. 409.9102, F.S.; providing rulemaking authority to the department regarding determination of eligibility for certain services; creating s. 627.94076, F.S.; providing rulemaking authority to the Financial Services Commission for the implementation of a qualified state Long-Term Care Insurance Partnership Program in Florida; repealing ss. 1 and 2 of ch. 2005-252, Laws of Florida, to delete conflicting provisions relating to the determination of eligibility for nursing and rehabilitative services and the establishment of the Florida Long-Term Care Partnership Program that were contingent upon amendment to the Social Security Act; amending s. 4 of ch. 2005-252, Laws of Florida, to delete a contingency in an effective date; requiring the Office of Program Policy Analysis and Government Accountability to submit a report on the implementation of a qualified state Long-Term Care Insurance Partnership Program in Florida to the Governor and Legislature; providing an appropriation; providing application; providing an effective date.

By the Committee on Judiciary; and Senator Webster—

CS for SB 2298—A bill to be entitled An act relating to legal actions; amending s. 48.193, F.S.; providing that entering into certain specified contracts subjects a person to the jurisdiction of the courts of this state; amending s. 55.502, F.S.; redefining the term “foreign judgment” under the Florida Enforcement of Foreign Judgments Act; amending s. 685.102, F.S.; conforming provisions to changes made by the act; providing an effective date.

By the Committees on Transportation and Economic Development Appropriations; Community Affairs; and Senators Webster and Fasano—

CS for CS for SB 2300—A bill to be entitled An act relating to transportation; amending s. 311.22, F.S.; authorizing a 25-percent match of funds for certain dredging projects; amending s. 320.20, F.S.; requiring the Florida Seaport Transportation and Economic Development Council to submit to the Department of Transportation a list of recommended projects; requiring the department to approve final distribution of funds for selected projects for funding in the tentative work program; appropriating \$5 million annually for funding the Florida Seaport Transportation and Economic Development Program as provided in ch. 311, F.S., and for funding seaport intermodal access projects of statewide significance in s. 341.053, F.S.; amending s. 334.351, F.S., relating to youth work experience programs in the Department of Transportation; providing criteria for participation in the program; amending s. 339.08, F.S.; allowing moneys in the State Transportation Trust Fund to be used to pay the cost of the Enhanced Bridge Program; creating s. 339.282, F.S.; creating the Enhanced Bridge Program for Sustainable Transportation within the Department of Transportation; providing for the use of funds in the program; providing project guidelines for program funding; providing an effective date.

By the Committee on Health Care; and Senator Fasano—

CS for SB 2428—A bill to be entitled An act relating to small business health care insurance assistance; providing legislative intent; establishing a pilot program to provide rebates to small businesses providing comprehensive major medical health insurance coverage for employees; requiring employer and employee participation in certain costs; specifying the amount of the rebate; providing for additional eligibility for certain businesses; limiting authorization to provide rebates under the program only pursuant to specific appropriation; providing for administration of the program by the Agency for Health Care Administration; requiring the agency to adopt rules; providing enforcement and audit authority for the agency; providing an effective date.

By the Committee on Health Care; and Senator Peadar—

CS for SB 2444—A bill to be entitled An act relating to clinical perfusionists; requiring the Office of Program Policy Analysis and Government Accountability to study and report on clinical perfusion; specifying requirements concerning the study and report; requiring the office to provide the report to the Legislature; providing an effective date.

By the Committees on General Government Appropriations; Governmental Oversight and Productivity; Environmental Preservation; and Senator Argenziano—

CS for CS for CS for SB 2490—A bill to be entitled An act relating to saltwater fisheries; providing for ratification of a rule; requiring that rule amendments be submitted to the Legislature for review; providing conditions for rule amendments to take effect; amending s. 370.135, F.S.; establishing certain endorsement fees for the taking of blue crabs; establishing an annual trap tag fee; authorizing the Fish and Wildlife Conservation Commission to establish an amount of equitable rent by rule; providing for legislative approval of the rule; authorizing the commission to waive endorsement and trap tag fees for a 1-year period; authorizing the waiver of blue crab trap replacement tag fees under certain conditions; requiring the deposit of certain proceeds into the Marine

Resources Conservation Trust Fund; specifying the use of such proceeds; providing administrative penalties for certain violations; prohibiting the unauthorized possession of blue crab trap gear or removal of blue crab trap contents and providing penalties therefor; providing penalties for certain other prohibited activities relating to blue crab traps, lines, buoys, and trap tags; providing penalties for fraudulent reports related to endorsement transfers; prohibiting certain activities during endorsement suspension and revocation; preserving state jurisdiction for certain convictions; providing requirements for certain license renewal; appropriating certain fee revenues to the commission for blue crab effort management program costs; amending s. 370.13, F.S.; providing for legislative approval of commission rules establishing equitable rent; authorizing the waiver of stone crab trap replacement tag fees under certain conditions; amending s. 370.14, F.S.; clarifying provisions regulating spiny lobsters; amending s. 370.142, F.S.; providing administrative penalties for certain violations of the spiny lobster trap certificate program; authorizing the waiver of spiny lobster trap replacement tag fees under certain conditions; providing for legislative approval of rules establishing equitable rent; amending s. 370.143, F.S.; revising provisions for certain trap retrieval programs and fees; amending s. 370.0603, F.S.; authorizing the deposit of certain funds into the Marine Resources Conservation Trust Fund; providing purposes for which funds may be used; amending s. 370.025, F.S.; revising rulemaking authority; requiring the commission to adopt an adequate due-process rule; providing legislative intent; amending s. 921.0022, F.S.; deleting certain Level One offense designations; providing an effective date.

By the Committees on Health Care; Education; and Senators Constantine, Margolis, Baker and Rich—

CS for CS for SB 2602—A bill to be entitled An act relating to health-related education in the public schools; creating s. 1003.453, F.S.; requiring each school district to submit to the Department of Education, by a specified deadline, copies of the district's school wellness policy and physical education policy; requiring the school district to review those policies annually; requiring the department and school districts to post links to those policies on their websites; requiring the department to provide website links to certain resources and prescribing the types of information those resources must provide; encouraging school districts to provide basic training in first aid to students in certain grade levels; amending s. 1003.455, F.S.; requiring that school district physical education programs and curricula be reviewed by a certified physical education instructor; encouraging school districts to provide physical education for a specified amount of time; deleting obsolete language; amending s. 381.0056, F.S., the “School Health Services Act”; requiring schools to annually provide certain information to students' parents and guardians; providing requirements relating to membership of school health advisory committees; encouraging the committees to address specified matters; providing an effective date.

By the Committee on Regulated Industries; and Senator Crist—

CS for SB 2670—A bill to be entitled An act relating to building assessment and remediation; creating pt. XV of ch. 468, F.S., relating to regulation of mold assessment and mold remediation; providing legislative intent; providing definitions; providing requirements for practice of mold assessment or mold remediation; providing exemptions; providing for prohibited acts and penalties; providing insurance requirements; providing for contracts to perform mold assessment or mold remediation; providing a statute of limitations; providing a grandfather clause; creating pt. XVI of ch. 468, F.S., relating to regulation of home inspection services; providing definitions; providing requirements for practice; providing exemptions; providing prohibited acts and penalties; requiring liability insurance; exempting certain persons from duty to provide repair cost estimates; providing a statute of limitations; exempting persons currently providing certain home inspections from regulation under the act; providing an effective date.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed HB 765, HB 1533, HB 7127; has passed as amended HB 55, HB 293, HB 351, HB 585, HB 667, HB 821, HB 947, HB 1029, HB 1089, HB 1097, HB 1113, HB 1249, HB 7021, HB 7107, HB 7145; has passed as amended by the required Constitutional three-fifths vote of the membership HJR 631; has passed by the required constitutional two-thirds vote of the members present HB 147 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Jennings and others—

HB 765—A bill to be entitled An act relating to discounted computers and Internet access for students; creating a program to offer discounted computers and Internet access to public school students and students in home education programs in grades 5 through 12; requiring the Department of Education to negotiate terms with computer manufacturers, certain nonprofit corporations, and broadband Internet access providers; requiring the State Board of Education to adopt rules, including rules for provision of technical training to students; requiring the Digital Divide Council to implement a pilot project to assist low-income students with purchasing discounted computers and Internet access services; requiring the council to identify eligibility criteria for participation in the pilot project; providing for funding and authorizing the council to accept grants to implement the pilot project; providing an effective date.

—was referred to the Committees on Education; Commerce and Consumer Services; and Education Appropriations.

By Representative Sands and others—

HB 1533—A bill to be entitled An act relating to petroleum contamination; creating s. 376.30716, F.S.; providing definitions; creating a presumption regarding the source of a subsequently discovered discharge at certain petroleum contamination sites; providing exceptions to the application of the presumption; specifying that certain provisions concerning site rehabilitation agreements do not apply to a subsequently discovered discharge; prohibiting the Department of Environmental Protection from requiring soil or groundwater sampling relating to closure assessments at certain petroleum contamination sites; specifying responsibilities of a facility owner or operator; providing an effective date.

—was referred to the Committees on Environmental Preservation; Banking and Insurance; and General Government Appropriations.

By the Committee on Military and Veteran Affairs; and Representative Jordan and others—

HB 7127—A bill to be entitled An act relating to the disturbance of assemblies; amending s. 871.01, F.S.; providing a penalty for willfully interrupting or disturbing an assembly of people met for the purpose of acknowledging the death of an individual with a military funeral honors detail; reenacting s. 871.02, F.S., relating to indictments or informations for disturbing assembly, for the purpose of incorporating the amendment to s. 871.01, F.S., in a reference thereto; providing an effective date.

—was referred to the Committees on Community Affairs; Judiciary; Government Efficiency Appropriations; Ways and Means; and Rules and Calendar.

By Representative Smith and others—

HB 55—A bill to be entitled An act relating to the restoration of civil rights; requiring that the administrator of a county detention facility provide an application form for the restoration of civil rights to a prisoner who has been convicted of a felony and is serving a sentence in that facility; providing that this act shall not apply to prisoners who are transferred to the Department of Corrections; providing an effective date.

—was referred to the Committees on Criminal Justice; Community Affairs; and Judiciary.

By Representative Pickens and others—

HB 293—A bill to be entitled An act relating to fiscally constrained counties; amending s. 212.20, F.S.; providing for a distribution of tax revenue to fiscally constrained counties; amending s. 218.65, F.S.; providing for a transitional emergency distribution from the Local Government Half-cent Sales Tax Clearing Trust Fund to certain fiscally constrained counties; revising criteria for receiving certain funds from the Local Government Half-cent Sales Tax Clearing Trust Fund; creating s. 218.67, F.S.; providing eligibility criteria to qualify as a fiscally constrained county; providing for the distribution of additional funds to certain fiscally constrained counties; providing for a phaseout period; providing for the use of funds; amending s. 288.1169, F.S.; correcting a cross-reference; amending s. 985.2155, F.S.; revising the definition of the term “fiscally constrained county” applicable to shared county and state responsibility for juvenile detention; providing an effective date.

—was referred to the Committees on Community Affairs; Commerce and Consumer Services; Government Efficiency Appropriations; Transportation and Economic Development Appropriations; and Ways and Means.

By Representative Lopez-Cantera and others—

HB 351—A bill to be entitled An act relating to community residential homes; amending s. 419.001, F.S.; revising, providing, and deleting definitions; requiring the sponsoring agency of a community residential home to provide certain information and notification regarding siting requirements to a local government under certain circumstances; providing for the licensing agency to deny or nullify a license to operate a community residential home under certain circumstances; providing an effective date.

—was referred to the Committees on Children and Families; Community Affairs; and Health and Human Services Appropriations.

By Representative Hukill and others—

HB 585—A bill to be entitled An act relating to inmate litigation costs; creating s. 945.6038, F.S.; requiring the Department of Corrections to charge inmates for specified costs relating to inmate litigation; authorizing liens on inmate trust funds; requiring rulemaking; providing intent; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Justice Appropriations.

By Representative Hasner and others—

HB 667—A bill to be entitled An act relating to credit counseling services; amending s. 817.801, F.S.; revising and providing definitions; amending s. 817.802, F.S., relating to unlawful fees and costs; limiting application to certain debtors; amending s. 817.804, F.S.; revising annual audit requirements; amending s. 817.805, F.S.; including creditor contributions within an authorized deduction from requirements for

disbursement of funds; providing a limitation on creditor contributions; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Commerce and Consumer Services.

By Representative Goodlette and others—

HB 821—A bill to be entitled An act relating to the community contribution tax credit program; amending ss. 212.08, 220.183, and 624.5105, F.S.; increasing the amount of available tax credits against the sales tax, corporate income tax, and insurance premium tax, respectively, for projects under the community contribution tax credit program and providing separate annual limitations for certain projects; revising requirements and procedures for the Office of Tourism, Trade, and Economic Development in granting tax credits under the program; providing an effective date.

—was referred to the Committees on Community Affairs; Commerce and Consumer Services; Government Efficiency Appropriations; Transportation and Economic Development Appropriations; and Ways and Means.

By Representative Legg and others—

HB 947—A bill to be entitled An act relating to long-term care coverage; reenacting and amending s. 409.9102, F.S.; directing the Agency for Health Care Administration, in consultation with the Office of Insurance Regulation and the Department of Children and Family Services, to amend the Medicaid state plan that established the Florida Long-Term Care Partnership Program for purposes of compliance with provisions of the Social Security Act; establishing a qualified state Long-Term Care Insurance Partnership Program in Florida; providing duties of the program; requiring consultation with the Office of Insurance Regulation and the Department of Children and Family Services for the creation of standards for certain information; providing rulemaking authority to the agency for implementation of s. 409.9102, F.S.; providing rulemaking authority to the department regarding determination of eligibility for certain services; creating s. 627.94075, F.S.; providing rulemaking authority to the Financial Services Commission for the implementation of a qualified state Long-Term Care Insurance Partnership Program in Florida; repealing ss. 1 and 2 of ch. 2005-252, Laws of Florida, to delete conflicting provisions relating to the determination of eligibility for nursing and rehabilitative services and the establishment of the Florida Long-Term Care Partnership Program that were contingent upon amendment to the Social Security Act; amending s. 4 of ch. 2005-252, Laws of Florida, to delete a contingency in an effective date; requiring the Office of Program Policy Analysis and Government Accountability to submit a report on the implementation of a qualified state Long-Term Care Insurance Partnership Program in Florida to the Governor and Legislature; creating s. 627.94076, F.S.; requiring long-term care insurance policies to provide incontestability after a certain time period; providing an exception; amending s. 627.9403, F.S.; specifying that certain limited benefit policies are a type of long-term care insurance policy; deleting an exemption from a minimum time period coverage requirement for certain limited benefit policies; amending s. 627.9404, F.S.; revising definitions; amending s. 627.9407, F.S.; revising certain restrictions on long-term care insurance policies; providing additional rate structure requirements for long-term care insurance policies; amending s. 641.2018, F.S.; correcting a cross-reference; providing application; providing an effective date.

—was referred to the Committees on Banking and Insurance; Health Care; and General Government Appropriations.

By Representative Baxley and others—

HB 1029—A bill to be entitled An act relating to the carrying of firearms in national forests; repealing s. 790.11, F.S., which prohibits the carrying of firearms in national forests; repealing s. 790.12, F.S., which authorizes the granting of a special permit for the carrying of firearms in a national forest; repealing s. 790.14, F.S., which provides a penalty for violation of ss. 790.11 and 790.12, F.S.; amending s. 790.25,

F.S.; correcting cross-references; requiring the Department of Environmental Protection to amend the correlative rule in the Florida Administrative Code to allow the possession of weapons in compliance with all Florida Statutes; providing requirements with respect to amendment of the rule; providing an effective date.

—was referred to the Committees on Criminal Justice; Environmental Preservation; and General Government Appropriations.

By Representative Galvano and others—

HB 1089—A bill to be entitled An act relating to construction contracting; amending s. 95.11, F.S.; revising commencement periods for actions founded on the design, planning, or construction of improvements to real property; amending s. 718.618, F.S., relating to converter reserve accounts and warranties; limiting applicability to certain improvements; providing an effective date.

—was referred to the Committees on Regulated Industries; and Judiciary.

By Representative Vana and others—

HB 1097—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; requiring an agency head who appoints a designee to act as a custodian of public records to provide notice to the public of such designation; providing notice requirements; prohibiting a person who is not a custodian of public records or a designee from denying the existence of a record or misleading anyone as to the existence of a record; requiring custodians of public records and their designees to respond to requests to inspect and copy public records promptly and in good faith; amending ss. 497.140, 627.311, and 627.351, F.S.; correcting cross-references; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; and Judiciary.

By Representative Lopez-Cantera and others—

HB 1113—A bill to be entitled An act relating to insurance agents; amending s. 626.171, F.S.; providing additional requirements for applications for certain licenses; requiring applicants to submit fingerprints and pay a processing fee; providing for fingerprints to be taken by a designated examination center; requiring the Department of Financial Services to require designated examination centers to have fingerprinting equipment and take fingerprints; prohibiting the department from approving licensure applications without submitted fingerprints; amending s. 626.211, F.S.; deleting a prohibition against the department denying, delaying, or withholding approval of applications lacking a criminal history report; revising circumstances under which the department must notify an applicant about examinations; amending s. 626.221, F.S.; expanding the authorized adjuster designations for exemptions from adjuster license examinations; amending s. 626.231, F.S.; providing authorization and procedures for applying on the department's Internet website to take a licensure examination prior to applying for licensure; specifying required application information; requiring an application disclosure statement; requiring payment of an examination fee with an application; amending s. 626.241, F.S.; providing for application of certain examination provisions to certain persons; creating s. 626.2415, F.S.; requiring the department to annually prepare, publicly announce, and publish reports of certain examination statistical information; providing report requirements; authorizing the department to provide certain contracted testing service providers with certain demographic application information under certain circumstances; amending s. 626.251, F.S.; requiring the department to provide certain information to examination applicants; amending s. 626.261, F.S.; specifying required conduct for examination applicants; amending s. 626.281, F.S.; applying reexamination provisions to examination applicants; amending s. 626.291, F.S.; requiring the department to issue a license for certain applicants after the department approves the application; specifying a period of validity of a passing examination grade; prohibiting the department from issuing a license based on an examination

taken more than 1 year prior to filing an application; providing appropriations; authorizing additional positions; providing effective dates.

—was referred to the Committees on Banking and Insurance; and Criminal Justice.

By Representative Kendrick and others—

HB 1249—A bill to be entitled An act relating to funding for oyster management and restoration programs in Apalachicola Bay and other areas; amending s. 201.15, F.S.; increasing the distribution of certain revenues from the excise tax on documents; authorizing the distribution of such revenues to the General Inspection Trust Fund of the Department of Agriculture and Consumer Services; providing for such funds to be used for oyster management and restoration programs in Apalachicola Bay and other areas; amending s. 370.07, F.S.; abolishing a surcharge upon oysters harvested from Apalachicola Bay; deleting certain requirements related to the surcharge; providing for the use of moneys from the General Inspection Trust Fund for oyster management and restoration programs in Apalachicola Bay and other areas; prohibiting the Department of Revenue from collecting uncollected moneys payable from the surcharge; amending s. 213.05, F.S., to conform; providing effective dates.

—was referred to the Committees on Environmental Preservation; Agriculture; Government Efficiency Appropriations; General Government Appropriations; and Ways and Means.

By the Committee on Criminal Justice; and Representative Kravitz and others—

HB 7021—A bill to be entitled An act relating to stolen property; amending s. 812.022, F.S.; providing that specified circumstances give rise to an inference that the person in possession of a stolen motor vehicle knew or should have known that the motor vehicle had been stolen; providing an effective date.

—was referred to the Committees on Criminal Justice; and Judiciary.

By the Committee on Economic Development, Trade and Banking; and Representative Bilirakis and others—

HB 7107—A bill to be entitled An act relating to trademarks; creating s. 495.001, F.S.; providing a short title; amending s. 495.011, F.S.; providing definitions; amending s. 495.021, F.S.; precluding registration of certain marks; repealing s. 495.027, F.S., relating to reservation of a mark; amending s. 495.031, F.S.; providing requirements for information to be contained in an application for registration of a mark; authorizing the Department of State to require certain information in an application; requiring that the application be signed and verified by any of certain persons; requiring that the application be accompanied by three specimens or facsimiles showing the mark; requiring that the application be accompanied by a fee; creating s. 495.035, F.S.; providing filing guidelines for applications; providing for disclaimers of unregistrable components; providing for amendment and judicial review; providing for priority of registrations; amending s. 495.041, F.S.; providing that first use shall inure to the benefit of the registrant or applicant under certain circumstances; amending s. 495.061, F.S.; providing for the issuance of a certificate of registration by the department; removing a provision relating to reservation of a mark; amending s. 495.071, F.S.; providing guidelines for the renewal of marks; revising duration of effectiveness of a registration; amending s. 495.081, F.S.; providing for the assignability of marks; authorizing a photocopy of an assignment to be acceptable for recording; providing for change of name certificates for registrants; authorizing recordation of certain instruments; providing acknowledgment of recording as prima facie evidence of the execution of an assignment or other instrument; specifying requirements for creation and perfection of security interests in marks; amending s. 495.091, F.S.; requiring the department to record all marks registered with the state; amending s. 495.101, F.S.; requiring the department to cancel certain marks; amending s. 495.111, F.S., which establishes a classification of goods and services; providing that a single application for registration of a mark may include any or all goods upon which, or services with

which, the mark is actually being used comprised in one or more of the classes listed; amending s. 495.131, F.S.; revising infringement provisions to include an element of lack of consent by the registrant; conforming language; amending s. 495.141, F.S.; providing additional remedies for the unauthorized use of a mark; creating s. 495.145, F.S.; providing a forum for actions regarding registration; providing for service of process on nonresident registrants; amending s. 495.151, F.S.; providing for an injunction in cases of dilution of a famous mark; providing factors to be considered in determining that a mark is famous; providing damages in certain circumstances of dilution; amending s. 495.161, F.S.; deleting language relating to the diminishing of certain common law rights; amending s. 495.171, F.S.; providing effective date of changes to ch. 495, F.S., as amended by the act; providing for repeal of conflicting acts; providing application to pending actions; amending s. 495.181, F.S.; providing construction and legislative intent; creating s. 495.191, F.S.; providing certain fees; repealing s. 506.06, F.S., relating to unlawful to counterfeit trademark, to conform; repealing s. 506.07, F.S., relating to filing of trademark or other form of advertisement for record with Department of State, to conform; repealing s. 506.08, F.S., relating to fee for filing, to conform; repealing s. 506.09, F.S., relating to civil remedies, to conform; repealing s. 506.11, F.S., relating to unlawful use of trademark, to conform; repealing s. 506.12, F.S., relating to procuring the filing of trademark or other form of advertisement by fraudulent representations, to conform; repealing s. 506.13, F.S., relating to using the name or seal of another, to conform; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Judiciary; and Transportation and Economic Development Appropriations.

By the Committee on Domestic Security; and Representative Adams and others—

HB 7145—A bill to be entitled An act relating to seaport security; creating s. 311.111, F.S.; requiring each seaport authority or governing board of a seaport that is subject to the statewide minimum seaport security standards to designate and identify security area designations, access requirements, and security enforcement authorizations on seaport premises and in seaport security plans; providing that any part of a port's property may be designated as a restricted access area under certain conditions; amending s. 311.12, F.S.; revising purpose of security plans maintained by seaports; requiring periodic plan revisions; requiring plans to be inspected for compliance by the Office of Drug Control and the Department of Law Enforcement based upon specified standards; providing requirements with respect to protection standards in specified restricted areas; requiring delivery of the plan to specified entities; requiring the Department of Law Enforcement to inspect every seaport within the state to determine if all security measures adopted by the seaport are in compliance with seaport security standards; requiring a report; authorizing seaports to request review by the Domestic Security Oversight Council of the findings in a Department of Law Enforcement inspection report; limiting the findings which the council is authorized to review; requiring the Department of Law Enforcement to establish a waiver process to grant certain individuals unescorted access to seaports or restricted access areas under certain circumstances; providing waiver process requirements; requiring the administrative staff of the Parole Commission to review the waiver application and transmit the findings to the department; requiring the department to make a final disposition of the application and notify the applicant and the seaport; providing that the waiver review process is exempt from the Administrative Procedure Act; providing procedures and requirements with respect to waiver of any physical facility requirement or other requirement contained in the statewide minimum standards for seaport security; providing a penalty for possession of a concealed weapon while on seaport property in a designated restricted area; creating the Seaport Standards Security Advisory Council under the Office of Drug Control within the Executive Office of the Governor; providing membership, terms, organization, and meetings of the council; requiring the Office of Drug Control to convene the Seaport Security Standards Advisory Council to review the statewide minimum standards for seaport security; requiring periodic review of the statewide minimum standards for seaport security to be conducted by the council; creating s. 311.121, F.S.; providing legislative intent with respect to the employment by seaports of certified law enforcement officers and certified private security officers; providing authority of seaports and requirements of the Department of Law Enforcement with respect to such intent;

requiring the authority or governing board of each seaport that is subject to statewide minimum seaport security standards to impose specified requirements for certification as a seaport security officer; creating the Seaport Security Officer Qualification, Training, and Standards Coordinating Council under the Department of Law Enforcement; providing membership and organization of the council; providing terms of members; providing duties and authority of the council; requiring the Department of Education to develop curriculum recommendations and specifications of the council into initial and continuing education and training programs for seaport security officer certification; providing requirements and procedures with respect to such training programs; providing requirements and procedures with respect to certification as a seaport security officer; providing requirements for renewal of inactive or revoked certification; creating s. 311.122, F.S.; authorizing each seaport in the state to create a seaport law enforcement agency for its facility; providing requirements of an agency; requiring certification of an agency; providing requirements with respect to the composition of agency personnel; providing powers of seaport law enforcement agency officers and seaport security officers; creating s. 311.123, F.S.; providing for the creation of a maritime domain security awareness training program; providing purpose of the program; providing program training curriculum requirements; creating s. 311.124, F.S.; providing authority of seaport security officers to detain persons suspected of trespassing in a designated restricted area of a seaport; providing immunity from specified criminal or civil liability; creating s. 817.021, F.S.; providing a criminal penalty for willfully and knowingly providing false information in obtaining or attempting to obtain a seaport security identification card; providing an effective date.

—was referred to the Committees on Domestic Security; Criminal Justice; Commerce and Consumer Services; and Justice Appropriations.

By Representative Sansom and others—

HJR 631—A joint resolution proposing an amendment to Section 6 of Article VII of the State Constitution, relating to homestead exemptions from ad valorem taxation, to provide a discount from the amount of ad valorem taxation levied on the homestead of a World War II veteran who meets specified criteria.

—was referred to the Committees on Community Affairs; Government Efficiency Appropriations; Ways and Means; and Rules and Calendar.

By Representative Kravitz and others—

HB 147—A bill to be entitled An act relating to criminal prosecutions; creating s. 918.19, F.S.; prescribing rights of the prosecution in closing arguments; repealing Rule 3.250, Florida Rules of Criminal Procedure, relating to the accused as a witness and being entitled to concluding arguments before the jury, to the extent of inconsistency with the act; providing an effective date.

—was referred to the Committees on Criminal Justice; and Judiciary.

RETURNING MESSAGES—FINAL ACTION

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 274.

John B. Phelps, Clerk

The bill contained in the foregoing message was ordered enrolled.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 26 was corrected and approved.

CO-INTRODUCERS

Senators Argenziano—SB 1794, CS for CS for SB 2062; Bennett—CS for SB 1940; Bullard—SR 4, SJR 98, CS for SB 432, CS for CS for SB 436, CS for SB 502, SR 2352; Crist—SB 2622; Hill—CS for SB 1292, CS for CS for SB 1750; Rich—CS for SB 2426; Saunders—CS for SB 206; Wilson—SJR 98, CS for SB 306, CS for SB 508, CS for SB 526, SB 1548, CS for CS for SB 1736, CS for SB 1844

Senator Jones withdrew as a co-introducer of CS for SJR 1150.

RECESS

On motion by Senator Pruitt, the Senate recessed at 7:34 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Friday, April 28 or upon call of the President.